

Jean Monnet Module in European Union Law and Sustainable Development

Reading Materials

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Teaching Staff

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Topic 1 (lecture 1)

Fundamental notions of sustainable development in the context of EU law

Recommended Readings:

- Jeffrey D Sachs, 'Capitolo 6 - I limiti del Pianeta' in Jeffrey D Sachs, *L'Era dello Sviluppo Sostenibile* (Università Bocconi Editore 2015)
- 'Trasformare il nostro mondo: l'Agenda 2030 per lo Sviluppo Sostenibile' Risoluzione dell'Assemblea Generale delle Nazioni Unite, A/RES/70/1
- 'Dichiarazione sui Principi Guida dello Sviluppo Sostenibile' - Conclusioni del Consiglio (15 Luglio 2005) pp.28-32
- 'L'Azione Europea a Favore della Sostenibilità' Comunicazione della Commissione Europea del 22.11.2016, COM(2016) 739 final
- Risoluzione del Parlamento europeo del 6 luglio 2017 sull'azione dell'UE a favore della sostenibilità (2017/2009(INI))
- Il futuro sostenibile dell'Europa: la risposta dell'UE all'Agenda 2030 per lo sviluppo sostenibile - Conclusioni del Consiglio (20 Giugno 2017) 10370/17

Optional Readings:

- Jeffrey D Sachs, 'Capitolo 1 - Introduzione' in Jeffrey D Sachs, *L'Era dello Sviluppo Sostenibile* (Università Bocconi Editore 2015)
- Karl Falkenberg, *Sustainability Now! A European Vision for Sustainability* (EPSC Strategic Notes, Issue 18, European Political Strategy Centre 2016)
- Ingeborg Niestroy, *How Are We Getting Ready? The 2030 Agenda for Sustainable Development in the EU and its member States* (Discussion Paper 9/2016, German Development Institute 2016)

Topic 2 (lecture 2 – Prof. Tanca)

The EU crisis management policy: institutional aspects and main missions and operations

Recommended Readings:

- Permanent Structured Cooperation (PESCO) Factsheet (2017)
- Notification on PESCO to the Council and to the High Representative of the Union for Foreign Affairs and Security Policy (2017)
- EU Missions and Operations Factsheet (2017)

Topic 3 (lectures 3-4)

Environmental damage, liability and remedies in EU law

Recommended Readings:

- Maria Casoria, 'Danni al litorale e conseguenze risarcitorie: valutazione e metodi di quantificazione del danno ambientale' (2010) 2 *Ianus* 2
- Directive of the European Parliament and of the Council 2004/35/EC of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage
- EUCJ Case C-534/13 *Ministero dell'Ambiente e della Tutela del Territorio e del Mare and others v Fipa Group srl and others* [4 March 2015]
- R (*on the application of Seiont, Gwyrfai and Llyfni Anglers' Society*) v *Natural Resource Wales and others* [2015] EWHC 3578
- *Seiont, Gwyrfai and Llyfni Anglers' Society v Natural Resource Wales and others* [2016] EWCA Civ 797
- Sentenza, Corte di Cassazione, 21 Settembre 2017, n.21936, *Provincia di Treviso c. F.lli Bonato di Bonato Enzo & C s.n.c*

Topic 4 (lecture 5)

Notion and evolution of the EU internal market

Recommended Readings:

- Luigi Daniele, *Diritto del mercato unico europeo e dello spazio di libertà, sicurezza e giustizia* (3rd edition, Giuffrè) Capitolo 1: Nozioni Generali
- Carolyn Abbot and Maria Lee, 'Economic Actors in EU Environmental Law' (2015) 34 *Yearbook of European Law* 26

Topic 5 (lectures 6-7)

The EU customs union, free movement of goods and environmental protection

Recommended Readings:

- Luigi Daniele, *Diritto del mercato unico europeo e dello spazio di libertà, sicurezza e giustizia* (3rd edition, Giuffrè) Capitolo 2: Libera Circolazione delle Merci
- David Langlet and Said Mahmoudi, *EU Environmental Law and Policy* (Oxford University Press 2016) Chapter 3: Free Movement of Goods and the Room for Member State Action;
- David Langlet and Said Mahmoudi, *EU Environmental Law and Policy* (Oxford University Press 2016) Chapter 5: Monitoring the Application of Union Environmental Law and Sanctions
- EUCJ Case 240/83 *Procureur de la République v Association de défense des brûleurs d'huiles usagées (ADBHU)* [1985] ECR 531
- EUCJ Case 240/83 *Procureur de la République v Association de défense des brûleurs d'huiles usagées (ADBHU)* [1985] ECR 531, Opinion of AG Lenz
- EUCJ Case 302/86 *Commission of the European Communities v Kingdom of Denmark* [1988] ECR 4607
- EUCJ Case 302/86 *Commission of the European Communities v Kingdom of Denmark* [1988] ECR 4607, Opinion of AG Slynn
- EUCJ Case C-2/90 *Commission of the European Communities v Kingdom of Belgium* [1992] ECR I-4431
- EUCJ Case C-67/97 *Bluhme* [1998] ECR I-8033

Topic 6 (lecture 8)

European citizenship and free movement of people

Recommended Readings:

- Luigi Daniele, *Diritto del mercato unico europeo e dello spazio di libertà, sicurezza e giustizia* (3rd edition, Giuffrè) Capitolo 3: Libera Circolazione delle Persone

Topic 7 (lectures 9-11)

The evolution of the EU environmental policy

Recommended Readings:

- Rio Declaration on Environment and Development (adopted 13 June 1992) 31 ILM 874
- Nicolas de Sadeleer, *EU Environmental Law and the Internal Market* (Oxford University Press 2014) Chapter 1: Environmental Objectives, Principles and Criteria of the Environmental Policy in the TEU and TFEU
- Nicolas de Sadeleer, *EU Environmental Law and the Internal Market* (Oxford University Press 2014) Chapter 2: The Right to Environmental Protection in Treatu Law, in the ECHR and in the EUCFR
- David Langlet and Said Mahmoudi, *EU Environmental Law and Policy* (Oxford University Press 2016) Chapter 4: Division and Exercise of Competence

Topic 8 (lecture 10 – Prof. Boschiero)

The principle of sustainable development in international and European law

Recommended Readings:

- Virginie Barral, 'Sustainable Development in International Law: Nature and Operation of an Evolutive Legal Norm' (2012) 23(2) *European Journal of International Law* 377

Optional Readings:

- Alan Boyle and David Freestone, 'Introduction' in Alan Boyle and David Freestone (eds) *International Law and Sustainable Development* (Oxford University Press 1999)
- Sander RW van Hees, 'Sustainable Development in the EU: Redefining and Operationalizing the Concept' (2014) 10(2) *Utrecht Law Review* 60
- Riccardo Pavoni e Dario Piselli, 'The Sustainable Development Goals and International Environmental Law: Normative Value and Challenges for Implementation' (2016) 13(26) *Veredas do Direito* 13

Topic 9 (lecture 12 – Prof. Gestri)

The precautionary principle in international and EU law

Recommended Readings:

- Tullio Scovazzi, 'Sul Principio Precauzionale nel diritto internazionale dell'ambiente' (1992) 3 *Rivista di Diritto Internazionale* 699
- Commissione Europea, 'Principio di Precauzione' COM(2000) 1 final
- EUCJ Case C-78/16, *Pesce and others v Presidenza del Consiglio dei ministri* [2016]

Optional Readings:

- Marco Gestri, 'La portata normativa del principio di precauzione nel diritto comunitario: gestione politica del rischio e controllo giurisdizionale' in Andrea Bianchi and Marco Gestri (eds) *Il principio precauzionale nel diritto internazionale e comunitario* (Giuffrè 2006)
- Meinhard Schröder, 'Precautionary Approach/Principle' in Rudiger Wölfrum (ed) *Max Planck Encyclopedia of Public International Law* (online ed)
- F. Munari, 'Il ruolo della scienza nella giurisprudenza della Corte di giustizia in materia di tutela della salute e dell'ambiente' (2017) 3 *Il diritto dell'Unione europea* 131

Topic 10 (lecture 13)

European Union Law, Biodiversity and Climate Change

Recommended Readings:

- Jeffrey D Sachs, 'Capitolo 13 - Salvare la Biodiversità e Proteggere I Servizi Ecosistemici' in Jeffrey D Sachs, *L'Era dello Sviluppo Sostenibile* (Università Bocconi Editore 2015)
- Commissione Europea, 'Riesame dell'Attuazione delle Politiche Ambientali dell'UE' COM(2017) 63 final
- Commissione Europea, 'Strategia dell'UE Sulla Biodiversità Fino al 2020' COM(2011) 244 final
- 'Accordo di Parigi' (Traduzione non Ufficiale del Ministero dell'Ambiente Italiano del testo ufficiale del Paris Agreement)
- Commissione Europea, 'Quadro per le politiche dell'energia e del clima per il periodo dal 2020 al 2030' COM(2014) 15 final

Optional Readings:

- Nicolas de Sadeleer, 'European Union' in Elisa Morgera and Jona Razzaque (eds) *Biodiversity and Nature Protection Law. Elgar Encyclopedia of Environmental Law Volume III* (Edward Elgar 2017)
- Jeffrey D Sachs, 'Capitolo 12 - Il Cambiamento Climatico' in Jeffrey D Sachs, *L'Era dello Sviluppo Sostenibile* (Università Bocconi Editore 2015)
- Intended Nationally Determined Contribution of the European Union and its Member States (2015)
- Commissione Europea, 'Strategia dell'UE di Adattamento ai Cambiamenti Climatici' COM(2013) 216 final

Topic 11 (lecture 14)

External policies of the EU: trade, international cooperation and sustainable development

Recommended Readings:

- Nuovo Consenso Europeo in Materia di Sviluppo <<Il Nostro Mondo, La Nostra Dignità, Il Nostro Futuro>> Dichiarazione Comune [2017] OJ C 210/01
- Commissione Europea, 'Un Partenariato Rinnovato con I paesi dell'Africa, dei Caraibi e del Pacifico' JOIN(2016) 52 final
- Fabrizio Marrella, 'Unione Europea, Commercio Internazionale e Diritti Umani' in *Treccani. Il Libro dell'Anno del Diritto 2014* (Istituto dell'Enciclopedia Italiana Treccani 2014)
- Fabrizio Marrella, 'Unione Europea ed Investimenti Diretti Esteri' in Fabrizio Marrella, *L'Unione Europea a Venti Anni da Maastricht: Verso Nuove Regole* (Editoriale Scientifica 2013)

Optional Readings:

- Commissione Europea, 'Policy Coherence for Development. 2015 EU Report' SWD(2015) 159 final
- Effective Development Cooperation. Has the European Union Delivered? (2016) 10-19
- Commissione Europea, 'Valutazione del consenso europeo del 2005 per lo sviluppo che accompagna l'iniziativa "Proposta relativa a un nuovo consenso europeo in materia di sviluppo"' SWD/2016) 388 final
- Commissione Europea, 'Un approccio strategico alla resilienza nell'azione esterna dell'UE' JOIN(2017) 21 final
- Commissione Europea, 'Potenziare gli investimenti per la crescita e l'occupazione: verso la seconda fase del Fondo europeo per gli investimenti strategici e verso il piano europeo per gli investimenti esterni' COM(2016) 581 final, 7-16



About the EULawSD Module

The Jean Monnet Module on “European Union Law and Sustainable Development” (EULawSD), co-funded under the Erasmus+ Programme of the European Union for the period 2017-2020, seeks to explore the ever-expanding corpus of European Union Law relating to sustainable development. The module consists of an annual 40-hour course primarily aimed at students of the Single Cycle Degree Programme in Law at the University of Siena, but also open to students from the Political Sciences, Humanities and Social Sciences departments. The course is complemented by keynote lectures, expert roundtables, a dedicated website, and a series of webinars. It expands on the basic EU Law course offered by the Department of Law to introduce a highly-innovative angle in EU legal studies, promote excellence in the teaching of advanced EU issues, and ultimately equip students with in-depth knowledge of the critical role of the EU legal system in shaping the response of the European Union to the challenges of sustainable development.

Ever since the first European Union Sustainable Development Strategy, formulated in 2001, sustainable development has become an inescapable lens for the analysis of EU law. However, it appears that an integrated approach to the study of EU sectoral strategies, policies and programmes is still lacking in academic circles. Advancing such an approach is especially critical in the light of the recent adoption by the UN General Assembly of the 2030 Agenda for Sustainable Development, as well as of the 17 Sustainable Development Goals (SDGs) and 169 related targets that the Agenda contains. Accordingly, the EULawSD module does not only provide students with notions about the emergence and evolution of the principle of sustainable development in international and EU law, but it specifically analyses EU internal and external policies through the lens of the SDGs and the wider post-2015 framework.

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