



UNIVERSITÀ
DI SIENA 1240



Jean Monnet Module in European Union Law and Sustainable Development

Syllabus

Academic Year 2019/2020



Teaching Staff

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Topic 0 (lecture 1)

Systemic violations of the rule of law before the EU Court of Justice

Keynote Lecture by Prof. Federico Casolari

Recommended Readings:

- The readings will be suggested in class by the keynote lecturer. Slides and notes from the lecture will also constitute recommended readings.

Topic 1 (lecture 2)

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
- 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 (lectures 3 and 5)

Historical and legal evolution of 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 Treaty Law, in the ECHR and in the EUCFR

Optional readings:

- David Langlet and Said Mahmoudi, EU Environmental Law and Policy (Oxford University Press 2016) Chapter 4: Division and Exercise of Competence

Topic 3 (lecture 4)

Theory and practice of counter-limits versus the primacy of International and EU law

Keynote Lecture by Prof. Lorenzo Gradoni

Recommended Readings:

- The readings will be suggested in class by the keynote lecturer. Slides and notes from the lecture will also constitute recommended readings.

Topic 4 (lecture 5)

The circular economy and the new EU waste legislation

Keynote Lecture by Prof. Francesco Munari

Recommended Readings:

- The readings will be suggested in class by the keynote lecturer. Slides and notes from the lecture will also constitute recommended readings.

Topic 5 (lecture 6)

EU citizenship. 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 6 (lecture 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
- EUCJ Case C-242/17 *LEGO SpA v Gestore dei Servizi Energetici SpA e.a.* [2018]

Topic 7 (lecture 8)

Free movement of people, freedom of establishment and freedom to provide services, free movement of capitals and payments.

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.
- Luigi Daniele, Diritto del mercato unico europeo e dello spazio di libertà, sicurezza e giustizia (3rd edition, Giuffrè) Capitolo 4: Il Diritto di Stabilimento e La Libera Prestazione di Servizi.
- Luigi Daniele, Diritto del mercato unico europeo e dello spazio di libertà, sicurezza e giustizia (3rd edition, Giuffrè) Capitolo 5: La Libera Circolazione dei Capitali e dei Pagamenti.

Topic 8 (lecture 9)

EU law and biodiversity

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
- EUCJ Case 441/17 European Commission v Republic of Poland [2018]
- EUCJ Case 441/17 European Commission v Republic of Poland [2018] Opinion of AG Bot

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)
- Hendrik Schoukens and An Cliquet, 'Biodiversity offsetting and restoration under the European Union Habitats Directive: balancing between no net loss and deathbed conservation?' (2016) 21(4) *Ecology and Society* 10
- Commissione Europea, 'Un piano d'azione per la natura, i cittadini e l'economia' COM(2017) 198 final

Topic 9 (lecture 10)

EU law, climate change and energy

Recommended readings:

- '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
- Jeffrey D Sachs, 'Capitolo 12 - Il Cambiamento Climatico' in Jeffrey D Sachs, L'Era dello Sviluppo Sostenibile (Università Bocconi Editore 2015) 867
- Intended Nationally Determined Contribution of the European Union and its Member States (2015) 910
- Commissione Europea, 'Strategia dell'UE di Adattamento ai Cambiamenti Climatici' COM(2013) 216 final
- Sentenza del 4 Ottobre 2018, L.E.G.O., C-242/17, ECLI:EU:C:2018:804
- Sentenza del 1 Luglio 2014, Ålands Vindkraft, C-573-12, ECLI:EU:C:2014:2037

Optional readings:

- David Langlet and Said Mahmoudi, EU Environmental Law and Policy (Oxford University Press 2016) Chapter 11: Climate and Energy
- Caterina Mariotti, 'Theory and Practice of Emissions Trading in the European Union: Some Reflections on Allowance Allocation in Light of the DK Recycling Case' (2016) 1(3) *European Papers* 1153



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.

<http://www.eulawsd.org>

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