

COURSE OF STUDY: L-16 – *Political, Economic and Administrative sciences*

ACADEMIC YEAR 2023-2024

ACADEMIC SUBJECT : *Private Environmental law*

General information	
Year of the course	III YEAR
Academic calendar (starting and ending date)	I semester (18 September 2023-7 december 2023)
Credits (CFU/ETCS):	6
SSD	IUS /01
Language	Italian
Mode of attendance	Not compulsory, but strongly recommended

Professor/ Lecturer	
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Virtual room	Platform Microsoft teams, Code ks8dep7
Office Hours (and modalities: e.g., by appointment, on line, etc.)	see the teacher's web page for the day of reception or on the Teams Platform, in any case by appointment via email Consult the web page: www.uniba.it/it/ricerca/dipartimenti/scienze-politiche/docenti

Work schedule			
Hours			
Total	Lectures	Hands-on (seminars)	Out-of-class study hours/ Self-study hours
150 hours	32	16	102
CFU/ETCS			
6	4	2	

Learning Objectives	<p>The student will acquire technical knowledge and skills in the field of private environmental law; will be able to grasp the systematic and axiological connections in the context of the issues and problems of private environmental law, the study of which will be conducted in a multidisciplinary dimension.</p> <p>The student will achieve autonomy in the search for regulatory sources and in the systematic interpretation of the same, in the light of the concrete interests at stake, in view of the solution of practical cases from an interdisciplinary perspective. It will therefore be able to identify, analyze and propose solutions for emerging problems in the application practice of the institutes of environmental law, through the use of civil law instruments for environmental protection.</p> <p>Among the ways in which the expected capacities are verified, the following are worthy of note: analysis of cases, dealt with by national, international and European doctrine and jurisprudence; presentation of research during teaching and implementation of group projects.</p>
Course prerequisites	The student must possess the fundamental notions of private law, in particular

	<p>subjective legal situations, the theory of assets, property, real and personal guarantees, obligations, contracts and civil liability.</p> <p>It is also useful to have a basic knowledge of the Italian Republic Constitution (in particular, in the matter of principles and fundamental rights and of rights and obligations of citizens).</p>
<p>Teaching strategie</p>	<p>The method with which to deal with the study of the discipline, and which will be followed by the teacher during the lectures, implies in addition to the analysis of the institutes, of the environmental issues and problems, through the continuous consultation of the regulatory sources (primarily the civil code the Environmental code), also the ability understanding of them. This involves the development of a critical and systematic reasoning capacity around the topics dealt with, as well as the expository mastery of concepts.</p> <p>Lectures, supplementary seminars, including interdisciplinary ones, and exercises on “case studies”.</p>
<p>Expected learning outcomes in terms of</p>	<p>The student acquires the fundamental notions of the matter by attendance, not compulsory but highly recommended, organized in lectures, supplementary seminars, including interdisciplinary ones, and exercises on “case studies”.</p>
<p>Knowledge and understanding on:</p>	<p>The student acquires knowledge of the "constitutionalization" process of environmental protection through the elaboration of the right to a healthy environment (Art 2, 9 and 32 of the Constitution) by constitutional jurisprudence, culminating in the inclusion of the “protection of environment, ecosystem and cultural heritage” in the Constitution (Art 117, para 2, letter s). Environmental protection is a privileged tool for the development of the person, who has the right to a habitat that guarantees their quality of life, and is proposed as a “value” that implies duties and engages the individual and collective responsibility of citizens and public authorities in the use of “commons”.</p>
<p>Applying knowledge and understanding on:</p>	<p>The student is able to understand the complexity of the emerging civil law issues in the environmental field submitted to him and to interpret the main rules and institutions of private law that are crucial in the resolution of environmental and health issues and emergencies, on the basis of the knowledge acquired in the course of the didactic activities mentioned above, in order to apply them to the concrete case, with particular regard to the protection of cultural, landscape and environmental heritage, as well as commons, through the use of an appropriate legal lexicon.</p>
<p>Soft skills</p>	<ul style="list-style-type: none"> • Making judgements: the student develops a critical understanding of environmental issues and problems, aimed at implementing the principle of environmental sustainability and seeking a balance and integration point between production and environmental protection needs, in the current pandemic context of ecological transition. Think of the use of renewable energy sources, which can become the evaluation criterion of the most advantageous offer in terms of “green” procurement; the encouragement of technological innovations compatible with the environment, achieved through the use of “ecological” contracts (sustainable public or private procurement, energy performance contracts, EPC) or negotiation instruments (agreements, conventions, territorial pacts, etc.) in relationship with the public administrations and private entities in environmental matters; or, finally, the Italian-European regime of environmental liability, in the sign of the enhancement of preventive and inhibitory protection techniques, in implementation of the “polluter pays” principle and sustainable development. • Communication: the student is able to understand the structure and function of the main institutions of private environmental law; knows how to apply the knowledge acquired to solve also complex practical cases and face

	<p>professional experiences in national, supranational and international public administrations, private companies; acquires the most in-depth knowledge for the adequate preparation of the degree thesis and to continue the studies in postgraduate courses (eg, Masters).</p> <ul style="list-style-type: none"> • Lifelong learning skills: the course aims to introduce the study of private environmental law, offering a critical and problematic view of the matter, inspired to respect for constitutional and European legality and by the centrality of the value of the person, quality of life and environmental sustainability. • Working in groups: students attending the seminars will be asked to coordinate with other people, including those of different cultures and professional specializations, integrating skills and forming a working group for the analysis and comment of cases and jurisprudential sources.
Syllabus	
Content knowledge	<p>The course, structured in lectures with non-compulsory but highly recommended attendance, in supplementary seminars, including interdisciplinary ones, and exercises on practical cases, intends to reconstruct the subject of "civil environmental law", in the sign of overcoming the traditional division between "public" and "private". Environmental issues and problems are treated according to a problematic, systematic and axiological method, aware of the unity and complexity of the current legal system and of the priority of personalistic and solidarity values in the hierarchy of normative sources. The key to interpreting the different constituent elements of the legal notion of the environment in unity is given by the functional reference of the same to the "full development of the human person": the personalist and solidarity choice, which marks our constitutional order, allows us to formulate a unitary the environment as a habitat suitable for the development of the person.</p> <p>I. Civil law of the environment between method and values: 1. Environment and civil law. - 2. Environment and subjective situations. - II. Civil law of the environment between assets, activities and protections. 3. Environment and assets. - 4. Environment and market. - 5. Environment and damage.</p>
Texts and readings	M. Pennasilico (a cura di), <i>Manuale di diritto civile dell'ambiente</i> , Edizioni Scientifiche Italiane, Napoli, 2014.
Notes, additional materials	The study of the program requires consultation of the main regulatory sources (Constitution, European and international treaties, environmental code, civil code, etc.).
Repository	<i>Published on the teacher's web page, which integrate and update the Manual</i>
Assessment	
Assessment methods	<p>It is required to the candidate to show, in the oral exam, systematic and analytical learning of principles, rules and of the institutes of <i>Private Environmental Law</i>, according to the Italian-European system sources. The final grade is awarded by evaluating, in addition to the complete preparation on the contents of the matter, also the ability to effective understanding of them, critical reasoning skills and systematic around the topics covered, as well as the mastery of exhibition concepts.</p> <p>Oral exam only.</p>
Assessment criteria	<ul style="list-style-type: none"> • <i>Knowledge and understanding on:</i> students should have the ability to analyze and synthesize information, i.e. to acquire, organize and reformulate data and knowledge from different sources. Attending students will be invited, during the seminar and during the examination, to grasp and summarize the meaning of some judgments of jurisprudence, in turn an expression of synthesis

	<p>between the description of the case in point of the judicial order and the reasons for the decision.</p> <ul style="list-style-type: none"> • <i>Applying knowledge and understanding on:</i> students must have the ability to solve problems, that is to apply what they have learned to a concrete case, selecting the knowledge that allows them to solve it in the most appropriate way. Attending students will apply, in the analysis of legal problems and concrete cases agreed with the teacher, the method and argumentative techniques studied. • <i>Making judgements:</i> students must be able to formulate judgments independently, i.e. interpret information with a critical sense and make consequent decisions. Attending students will have to take a stand on the adequacy and reasonableness of the judicial orders examined. • <i>Communication skills:</i> students must be able to communicate effectively, to transmit information and ideas in a clear and formally correct way, expressing them in adequate terms with respect to specialist or non-specialist interlocutors in the sector. Attending students, during seminars and exercises, will be invited to speak with the teacher on the solutions adopted. <p><i>Lifelong learning skills:</i> students must be able to recognize their own gaps and identify effective strategies aimed at acquiring new knowledge and skills.</p>
Final exam and grading criteria	<p>The final grade will be awarded through the assessment of the level of preparation shown by the student during the exam in relation to the issues and problems of private environmental law.</p> <p>The method of verifying the expected learning outcomes is the oral test, which consists of a minimum of three questions on the teaching programme. The vote shall be expressed out of thirty (from 18/30 to 30/30 with honors). If the candidate/candidate does not demonstrate the knowledge, at least sufficient, of basic subjects in the context of teaching, the examiner should not proceed with subsequent questions. For the assignment of honors an ad hoc question will be formulated, through which the student will have to demonstrate that he is able to autonomously interpret the rules, justify his adherence to doctrinal and jurisprudential streams relating above all to new problems that have emerged in the application and argue on any qualifications that differ from what is being analyzed in doctrinal and jurisprudential contexts, with particular regard to the themes and problems subject to in-depth analysis in the special part and in the didactic material.</p> <p>The criteria for the evaluation of learning outcomes expressed in thirtieth are:</p> <p>Insufficient: 0-17 Lacking, inadequate knowledge of the topics contained in the program, use of a non-legal lexicon by candidates</p> <p>Sufficient: 18-20 Sufficient knowledge of the topics contained in the programme and overall adequacy of the legal lexicon used by the candidates</p> <p>Discreet: 21-23 Discrete knowledge of the topics contained in the program, discrete ability to argue and make connection between the various topics, through the use of an adequate legal lexicon by candidates</p> <p>Good: 24-26 Good knowledge of the topics contained in the program, good ability to deepen and critique, through the use of an adequate legal lexicon by candidates.</p> <p>Distinguished: 27-28 More than good knowledge of the topics contained in the program, more than good ability to deepen and argue on the links between the different topics, to</p>

	<p>criticise, mastery of legal lexicon by candidates.</p> <p>Very good: 29-30 Excellent knowledge of the topics contained in the program, excellent ability to deepen, argue on the link between the different topics, to criticise, mastery of legal lexicon by candidates.</p> <p>Excellent: 30L Excellent knowledge of the topics contained in the program, excellent ability to deepen, argue on the link between the different topics, to criticise and excellent mastery of legal lexicon.</p> <p>.</p>
<p>Further information Auxiliary teaching</p>	<p>President: Prof. Valeria Corriero; Components: Proff. Francesco Di Giovanni, Mauro Pennasilico, Ferdinando Parente, Salvatore Giuseppe Simone; dr. Adriano Buzzanca, Serena Persia, Rocco Lombardi, Tiziana Perillo e Loretta Moramarco.</p>
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