

# 6th EELF Annual Conference - Environmental loss & damage: attribution, liability, compensation and restoration

12-14 September 2018

Date: Wednesday 12 September 2018 afternoon

13.30-14.00 Registration

14.00-14.30 Opening Session: Welcome addresses, introduction to the conference topics and organizational matters  
Room S.1.8 and Room S.2.7(video-conference)

Barbara Pozzo  
Valentina Jacometti  
Moritz Reese

Massimiliano Montini - Ecological Law and Governance Association (ELGA) Announcement

14.45-16.30 Plenary Session Room S.1.8 and Room S.2.7 (video-conference)

Chair: *Valentina Jacometti*

Ludwig Kraemer *The environment and the system of loss and damage: the need for reforms*  
Barbara Pozzo *The Environmental Liability Directive; A Legal Analysis of its Aims and Potential*  
Marleen van Rijswijk *Shift happens- but failure is no option*

16.30-17.00 Coffee break

17.00-19.00 Session I A General reflections on environmental liability (I) Room S.1.8

Chair: *Moritz Reese*

- 1 Krämer Ludwig Polluters pay and polluters' liability under EU law: an underdeveloped area
- 2 Assenbjerg Lærke "The liability for agro-ecosystems: The polluter pays principle... – or is it "the tax payer principle"?"
- 3 Lamoureux Marie The foundations and functions of private environmental liability in the light of recent developments in French law
- 4 Zaballos Zurilla Maria General principles of liability and specific principles of environmental liability
- 5 Ekardt Felix Zero emissions in 10 years? Contradictions in Paris Agreement, precautionary principle, overattented climate scenarios, and liability

17.00-19.00 Session I B Private and corporate environmental liability (I) Room S.2.7

Chair: *Roberta Pezzetti*

- 1 Glinski Carola Corporate Social Responsibility and Environmental Liability
- 2 Starc-Meclejan Flaminia Things We Have in Common: What's the Relationship of Corporate Social Responsibility and Environmental Liability to Us
- 3 Girard Amelie Liability and financial security regime of offshore oil and gas production installations decommissioning
- 4 Paleari Susanna Extended producer responsibility in the EU: achievements and prospects
- 5 Casertano Letizia Financing sustainable growth in Europe. The key role of green finance in the prevention of environmental damage and in adaptation strategies' implementation

17.00-19.00 Session I C Industrial site aftercare, and restoration of brownfields Room S.1.3

Chair: *Jerzy Jendroška*

- 1 Cenini Marta Polluted lands: liability and warranties
- 2 Green I., Ginige T., Abdelkader A. M., Demir M., Figen Doker Y. Accumulation of PTEs in agricultural soils: A Case Study showing the inability of the current legal order and legislation to ensure sustainable food production
- 3 Karpus Karolina Administrative liability for 'historical land contamination' in the Polish environmental law
- 4 Mackie Colin The regulatory potential of charges on land for environmental liabilities

19.00-20.00 Welcome cocktail

## Date: Thursday 13 September 2018 morning

9.00-11.00 **Session II A Room S.1.8** **The responsibility of the States to safeguard a healthy environment and consequences in terms of liability**

*Chair: Fabrizio Vismara*

- 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?
- 2 Ruddigkeit Dana State responsibility and the environment: The interaction of public international law and national liability regimes
- 3 Fermeglia Matteo "Environmental" counterclaims in Investor-State Dispute Settlement: Rebalancing Investment Law through Environmental Liability
- 4 Stănilă Laura, Stănilă Sergiu The right to a healthy environment and its consequences on other human rights. A challenging approach

9.00-11.00 **Session II B Room S.2.7** **Private and corporate environmental liability (II)**

*Chair: Dominique Feola*

- 1 Baran Mariusz 'Causal link' as a condition of liability - many faces in the environment law
- 2 Rakoczy Bartosz The burden of proof in proceedings for corrective and preventive actions in Polish law and Italian law
- 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

9.00-11.00 **Session II C Room S.1.3** **Climate change liability (I)**

*Chair: Valentina Jacometti*

- 1 Varvastian Samvel Internationalizing Climate Change Liability Litigation
- 2 Machnicka Agnieszka A. Can the tort law system constitute an effective tool in the climate change abatement?
- 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 Giabardo Carlo Vittorio Climate in Courts: Climate Change Litigation and State Responsibility After the «Paris Agreement»

11.00-11.30 **Coffee break**

11.30-13.00 **Session III A Room S.1.8** **International liability and compensation for transboundary environmental damage**

*Chair: Nerina Boschiero*

- 1 Masoumi Khazar The Myth of Plurality of Regimes in the Law of State Responsibility
- 2 Reese Moritz, Köck Wolfgang Transboundary liability for cross-border water pollution
- 3 Romanin Jacur Francesca The Responsibility of Public-Private Partnerships for environmental damage in an international law perspective

11.30-13.00 **Session III B Room S.2.7** **The role of criminal liability (I)**

*Chair: Chiara Perini*

- 1 Esser Robert Confiscation of Assets and Proceeds of Crime in Environmental Criminal Law - New approaches by the German legislator
- 2 Macrory Richard Liability and Sanctions for Breaches of Environmental Regulatory Requirements Integrating criminal and administrative liability
- 3 Ruiz Arias Miriam Enterprises Environmental Criminal Liability and Compliance Programmes in Spain
- 4 Del Mar Martín Aragón María The last Spanish Criminal Code Reform on environmental crimes: legal construction and case studies

11.30-13.00 **Session III C Room S.1.3** **Climate change liability (II)**

*Chair: Kurt Deketelaere*

- 1 de Graaf K.J., van der Veen G.A. State liability for climate change: aftermath and future of the Urgenda decision
- 2 Borges Cunha Kamyla, Rei Fernando Climate litigation in Brazil: the case of the State Policy on São Paulo's Climate Change
- 3 Başoğlu Başak Is There a Prospect of Climate Change Liability in Turkey?

13.00-14.00 **Light lunch**

## Date: Thursday 13 September 2018 afternoon

14.00-16.00	<b>Session IV A</b> <b>Room S.1.8</b> <i>Chair: Barbara Pozzo</i>	<b>The EU Environmental Liability Directive (I)</b>	14.00-16.00	<b>Session IV B</b> <b>Room S.2.7</b> <i>Chair: Carlo Ruga Riva</i>	<b>The role of criminal liability (II)</b>	14.00-16.00	<b>Session IV C</b> <b>Room S.1.3</b> <i>Chair: Bernard Vanheusden</i>	<b>Real compensation and offset regimes - the strategy of "no-net-loss"</b>
	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 María-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
16.00-16.30	Coffee break							
16.30-18.30	<b>Session V A</b> <b>Room S.1.8</b> <i>Chair: Silvia Marino</i>	<b>The EU Environmental Liability Directive (II)</b>	16.30-18.30	<b>Session V B</b> <b>Room S.2.7</b> <i>Chair: Barbara Pozzo</i>	<b>Legal transplants in the environmental field: the case of environmental liability (I)</b>	16.30-18.30	<b>Session V C</b> <b>Room S.1.3</b> <i>Chair: Francesca Romanin</i>	<b>Climate change liability (III)</b>
	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 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)
	5 Vanhellemont Anna	The position of the Environmental Liability Directive in environmental law: issues of coherence and added value		5 Sergiusz Urban	Legal defences in the environmental liability system in Poland			
20.30-22.30	Official Dinner at Palace Hotel							
	<b>16.30-16.00 ECOLOGICAL LAW AND GOVERNANCE ASSOCIATION (ELGA) EVENT - Room S.0.5</b>							<b>SIDE</b>

## Date: Friday 14 September 2018 morning

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