

# 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  
S.1.8 and Room S.2.7 (video-conference)

Room

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  
Room S.1.8 General reflections on environmental liability (I)

Chair: *Moritz Reese*

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|---|------------------------|--|
| 1 | Krämer Ludwig          | Polluters pay and polluters' liability under EU law: an underdeveloped area  |
| 2 | Assenbjerg Lærke       | A liability regime for agro-ecosystems: The polluter pays principle vs. economical compensation                                    |
| 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 | Ekdardt Felix          | Zero emissions in 10 years? Contradictions in Paris Agreement, precautionary principle, overatted climate scenarios, and liability |

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

Chair: *Roberta Pezzetti*

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|---|-------------------------|--|
| 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  
Room S.1.3 Industrial site aftercare, and restoration of brownfields

Chair: *Jerzy Jendroška*

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|---|---|---|
| 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	<b>Session II A Room S.1.8</b>	<b>Room</b>	<b>The responsibility of the States to safeguard a healthy environment and consequences in terms of liability</b>	9.00-11.00	<b>Session II B Room S.2.7</b>	<b>Private and corporate environmental liability (II)</b>	9.00-11.00	<b>Session II C Room S.1.3</b>	<b>Climate change liability (I)</b>		
	<i>Chair: Fabrizio Vismara</i>				<i>Chair: Dominique Feola</i>			<i>Chair: Valentina Jacometti</i>			
	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?		1	Baran Mariusz	'Causal link' as a condition of liability - many faces in the environment law		1	Varvastian Samvel	Internationalizing Climate Change Liability Litigation
	2	Ruddigkeit Dana	State responsibility and the environment: The interaction of public international law and national liability regimes		2	Rakoczy Bartosz	The burden of proof in proceedings for corrective and preventive actions in Polish law and Italian law		2	Machnicka Agnieszka A.	Can the tort law system constitute an effective tool in the climate change abatement?
	3	Fermeglia Matteo	"Environmental" counterclaims in Investor-State Dispute Settlement: Rebalancing Investment Law through Environmental Liability		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		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	Stănilă Laura, Stănilă Sergiu	The right to a healthy environment and its consequences on other human rights. A challenging approach						4	Giabardo Carlo Vittorio	Climate in Courts: Climate Change Litigation and State Responsibility After the «Paris Agreement»
11.00-11.30	<b>Coffee break</b>										
11.30-13.00	<b>Session III A Room S.1.8</b>	<b>Room</b>	<b>International liability and compensation for transboundary environmental damage</b>	11.30-13.00	<b>Session III B Room S.2.7</b>	<b>The role of criminal liability (I)</b>	11.30-13.00	<b>Session III C Room S.1.3</b>	<b>Climate change liability (II)</b>		
	<i>Chair: Nerina Boschiero</i>				<i>Chair: Chiara Perini</i>			<i>Chair: Kurt Deketelaere</i>			
	1	Masoumi Khazar	The Myth of Plurality of Regimes in the Law of State Responsibility		1	Esser Robert	Confiscation of Assets and Proceeds of Crime in Environmental Criminal Law - New approaches by the German legislator		1	de Graaf K.J., van der Veen G.A.	State liability for climate change: aftermath and future of the Urgenda decision
	2	Reese Moritz, Köck Wolfgang	Transboundary liability for cross-border water pollution		2	Macrory Richard	Liability and Sanctions for Breaches of Environmental Regulatory Requirements Integrating criminal and administrative liability		2	Borges Cunha Kamyla, Rei Fernando	Climate litigation in Brazil: the case of the State Policy on São Paulo's Climate Change
	3	Vomacka Vojtech	Full Reparation as a Legal Principle Applicable to the Compensation in International Environmental Law		3	Ruiz Arias Miriam	Enterprises Environmental Criminal Liability and Compliance Programmes in Spain		3	Baçoğlu Başak	Is There a Prospect of Climate Change Liability in Turkey?
	4	Romanin Jacur Francesca	The Responsibility of Public-Private Partnerships for environmental damage in an international law perspective		4	Del Mar Martín Aragón María	The last Spanish Criminal Code Reform on environmental crimes: legal construction and case studies				
13.00-14.00	<b>Light lunch</b>										

## 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 2 Schwind Manuel Patrick 3 Masieri Carlo Maria 4 Pioldi Simone, Peeters Marjan 5 Kichigin Nikolay	The implementation of EU Environmental Liability Directive in Greece: An example of fragmentation and the transition towards a more coherent enforcement  Improving the implementation of Directive 2004/35/EC in the EU Member States - A network-based approach  Permit defence between EU Environmental Liability Directive and national private law: some comparative law remarks  The Guiding hand of the European Court of Justice. A comprehensive analysis of the role of the CJEU for effectuating the Environmental Liability Directive  Compensation for lawful damage to the environment		1 Fuentes-Loureiro Maria-Angeles 2 La Rosa Emanuele 3 Mazzanti Edoardo 4 Roibu Magdalena 5 Whitfort Amanda	The influence of Directive 2008/99/CE on Spanish regulation. New crimes against the environment and corporate liability  Planned obsolescence e criminal law: a problematic relationship?  Environment, ECHR and EU criminal law. A possible interplay  Born to be Wild. Stop Wildlife Crime!  Wildlife Crime and Animal Victims: Improving Access to Environmental Justice		1 Backes Ch. W., Köck W. 2 Dupont Valérie 3 Stubenrauch Jessica, Ekardt F. 4 Turunen Topi 5 Van Hoorick G., Vandenhende L.	Sustainable Energy Production and Vulnerable Species - Solutions for an Ever Increasing Conflict of Interests?  The integration of scientific teachings in legal frameworks: a comparative analysis of biodiversity offset regimes  Compensation and No Net Loss for Biodiversity: Pricing Nature vs. Pricing Fossil Fuels  No-net-loss in recovery - compensation aspect in assessing environmental acceptability in end-of-waste  No net-loss for forests and heritage. The rising tension between restoration or compensation and land-use plans in Belgium
16.00-16.30	<b>Coffee break</b>							
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 2 Iliopoulos Theodoros 3 Pereira Ricardo 4 Popa Florina, Mihoc Andreea 5 Vanhellemont Anna	The right to participate in administrative proceedings and access to justice under ELD and the Polish Act on environmental liability  The Jurisprudential Configuration of the "Polluter-Pays Principle": A Critical Assessment  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?  "REVIVE NATURE" A true story about what happens at the frontier between the world we inhabit and the world we imagine  The position of the Environmental Liability Directive in environmental law: issues of coherence and added value		1 Kodolova Alena 2 de Rossiter Corrêa Davi Beltrão 3 Harbo Nana Amalie 4 Rincón Daniel	Compensation for environmental damage in the CIS countries: comparative legal analysis  Risk society and environment: principle of precaution and dispersion of genetically modified organisms  Environmental liability for extractive activities in Greenland - the role of EU law in framing Greenland's regulation  Environmental Liability in Brazil - Regulation and Case-law		1 Savaresi Annalisa, Hartmann Jacques 2 Martines Francesco 3 Fasoli Elena 4 Kobylarz Natalia 5 Gazendam Joris	Holding corporations accountable for the impacts of climate change: the role of human rights law  Climate change and migration: liability of States and compensation for "environmental migrants"  The Reparation of Non-Economic Losses related to Climate Change under the Paris Agreement  European Court of Human Rights on State Responsibility for the Prevention of Damage from Natural Hazards  Liability issues associated with the combination of the decommissioning of hydrocarbons installations at sea and the permanent storage of CO2 in the seabed (CCS)
20.30-22.30	<b>Official Dinner at Palace Hotel</b>							
	<b>16.30-18.00 ECOLOGICAL LAW AND GOVERNANCE ASSOCIATION (ELGA) SIDE 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>				