



LUND UNIVERSITY
Faculty of Law

Private International law and Environmental law

Module 8

Reading materials

Lectures

- Introduction to private international law
- The law applicable to contractual and non-contractual obligations
- Environmental law in a European business law context
- Environmental law inquiries

Treaty basis for EU Environmental Law

- Articles 11, 114(3), 191-193 TFEU
- Article 3(3) TEU
- Article 37 of the Charter of Fundamental Rights
- Article 21 (f) TEU

Case law

Lecture: Introduction to private international law

- **C-133/11** – Folien Fischer vs. Ritrama
The application of article 5.3 Brussels I, Regulation 44/2001/EC. Jurisdiction over torts in case of a non-contractual obligation.

Lecture: The law applicable to contractual and non-contractual obligations.

- **C-509/09** – eDate Advertising GmbH mot X
The application of jurisdictional and conflict rules on torts committed online.

Lecture: Environmental law in a European business law context

- **C-320/03 P** – Commission vs. Austria
- **C-302/86** – Commission v Denmark
- **C-473/98** – Kemikalieinspektionen v Toolex
- **C-142/05** – Mickelsson and Roos
- **C-5/573-12** – Ålands Vindkraft AB v Energimyndigheten

Recommended reading for Environmental Law

- L Fisher, B Lange and E Scotford *Environmental law: text, cases and materials* (OUP 2013) chapters 1, 2 and 4
- N. De Sadeleer, *EU Environmental Law and the Internal Market* (Oxford University Press 2014) - chapters 5
- S. Bogojević, *Emissions Trading Schemes: Markets, States and Law* (Hart Publishing 2013) – chapter 3

Further Reading by tutor Michael Bogdan

- Bogdan, Michael: Concise Introduction to EU Private International Law, ed. 2, Europa Law Publishing: Groningen 2012 (228 pp.).

Further Reading by tutor Sanja Bogojevic

- S Bogojevic, 'EU Human Rights Law and Environmental Protection: The Beginning of a Beautiful Friendship?' in *EU Human Rights Law*. Ed. S Douglas-Scott and N Hatzis (Elgar Publishing)
 - available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2475334 and deals with the charter of the protection of human rights and environmental protection in a EU context
- S. Bogojevic, 'EU Climate Change Litigation, the Role of the European Courts, and the Importance of Legal Culture' (2013) 35 *Law & Policy* 184
 - explains how EU environmental law – here the application of EU climate change law before the EU courts – is interlinked with EU legal culture
- S. Bogojevic, 'Judicial protection of individual applicants revisited: access to justice through the prism of judicial subsidiarity' (2015) *Yearbook of European Law*
 - Discusses access to the EU courts by individual applicants in light of judicial subsidiarity

- S. Bogojevic, 'Ending the Honeymoon: Deconstructing Emissions Trading Discourses' (2009) 21 *Journal of Environmental Law* 443
 - Analyses carbon markets and how they are understood in environmental law discourses
- S. Bogojevic, 'EU Climate Change Litigation: All Quiet on the Luxembourgian Front?' in Calster Gv, Vandenberghe W and Reins L (eds), *Research Handbook on Climate Change Mitigation* (Edward Elgar Publishing Forthcoming 2015)
 - Available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2465914 and discusses how EU climate change litigation has played out in the EU legal context
- D. Driesen and S. Bogojevic, 'Economic Thought and Climate Disruption: Neoclassical and Economic Dynamic Approaches in the USA and the EU' (2013) 25 *Journal of Environmental Law* 463
 - A piece on how economic thought has impacted climate change laws in the USA and the EU legal context and discusses the necessity for environmental lawyers to engage with economists