



## **6th EELF Annual Conference 2018**

# **Environmental loss & damage: attribution, liability, compensation and restoration**

**12-14 September 2018**

**Insubria University**

**Como, Italy**

**– Call for Abstracts –**

The 6th EELF Annual Conference at Como, Italy, is organized by/as a joint effort of University of Insubria, Como, Dipartimento di Diritto, Economia e Culture, the Lombardy Foundation for the Environment and the Environmental and Territorial Politics Studies Centre (ENVPOL).

The Como conference is going to analyze and compare the regulation of environmental loss and damage in a comparative, interdisciplinary and both public and private law perspective. We will delve into conceptual and specific legal issues related to liability, compensation and restoration of environmental damage in different sectors and jurisdictions, and we will also take into account the contributions of economic analysis in this field of regulation. The scope of analysis will expand to national as well as supranational and international regimes. The US, the EU, but also China, India, Mexico and Brazil as well as many other important countries have introduced specific liability regimes for environmental that are worth comparing also in view of possible transplants and “cross-fertilization”. Particular attention shall also be paid to the role that liability and insurance may play in terms of climate change and adaptation. This also points to the international

level of transboundary and interstate liability where effective environmental liability is yet scarcely developed. Further aspects to be discussed are displayed below with the subthemes.

The organizers are hereby inviting submission of abstracts for presentations at the conference. Presentations must fall within the overall conference theme and we in particular invite abstracts within the subthemes indicated below. Presentations should have a European perspective or relevance. We encourage senior as well as junior researchers, including PhD scholars, to submit abstracts. Practitioners and others are also welcome to submit abstracts. We particularly also address this call to economists who have committed to institutional analysis within the scope of the conference.

## **Subthemes**

### **I. General reflections on environmental liability and attribution of environmental loss from legal, economic and ecologic perspectives**

- Attribution of environmental damage and implementation of the polluter/beneficiary pays principle
- The role of liability in environmental policy - strategic reflections and perspectives
- General principles of liability and specific principles of environmental liability
- Liability vs prevention - a contentious relation
- The responsibility of the States to safeguard a healthy environment and consequences in terms of liability
- The contribution of economic analysis of law to environmental liability issues
- Public v. private law regimes in the field of environmental liability
- Legal transplants in the environmental field: the case of environmental liability

### **II. Private and corporate environmental liability**

- Legal and economic analysis of various environmental liability regimes
- The specific role of criminal liability in the perspective of Directive 2008/99/EC on the protection of the environment through criminal law: problems of implementation and coordination with other liability regimes.
- Administrative, private and criminal responsibilities from the perspective of business
- Corporate social responsibility and environmental liability
- Burden of proof
- Insurance schemes
- Enforcement

### **III. The EU Environmental Liability Directive: implementation, experiences in the Member States**

- Obstacles to harmonization
- Harmonization and differentiation
- Enforcement
- Contribution of the European Court of Justice to the interpretation of ELD

### **IV. International liability and compensation for transboundary environmental damage**

- Interaction of various liability regimes
- The role of various actors implied
- Case-studies

## **V. Climate change - liability for global environmental damage**

- Climate change liability in comparative law perspective
- The role of various actors: states, international organisations, large emitters (businesses), individuals.
- Tort system and climate change liability
- Potential Causes Of Action For Climate Change

## **VII. Public responsibility vs. private liability for the prevention of damage from natural hazards and adaptation to climate change (floods, storm, landslides etc)**

- Responsibilities and Liabilities in the field of adaptation to climate change
- The role of liability and insurance in adaptation policies
- The role of various actors

## **VIII. Industrial site aftercare, and restoration of brownfields**

- Contaminated sites and the role of liability
- Contaminated sites and different policy approaches in a comparative law perspective
- Soil protection and restoration methodologies
- ELD and soil protection

## **IX. Real compensation and offset regimes - the strategy of "no-net-loss": in nature conservation, water management, soil protection, in the context of derogations from environmental standards.**

- Remedying of environmental damage according to ELD – Annex 2
- Case studies in a comparative law perspective
- The relation between law and science in applying assessment criteria

## **Submission of abstracts**

Abstracts shall be written in English, not exceed 500 words, indicate the precise topic of the proposed paper and the related subtheme(s), and consist of a short description of the content of the contribution and up to three main theses. Abstracts, together with a short biography of max. 150 words should be sent to the following email address: [elf2018.como@uninsubria.it](mailto:elf2018.como@uninsubria.it) by 2<sup>nd</sup> April 2018. Abstracts will be reviewed on a rolling basis, as received, with a final decision to be provided by 2<sup>nd</sup> May 2018 at the latest.

## **Registration and further information**

A conference web site will be set up soon. Registration will open in February 2018. The website will also provide further information on accommodation, travel, draft program etc. Please be aware that accommodation should be booked/reserved well ahead of the event. A list of recommended hotels will be available on the website.

## **Organizing Committee**

Prof. Dr. Barbara Pozzo (Professor of Comparative Law; Director of the Department of Law, Economics and Cultures - University of Insubria; Head Legal Department – Lombardy Foundation of the Environment; Member of the Scientific Board of the ENVIRONMENTAL AND TERRITORIAL POLITICS STUDIES CENTRE)

Prof. Dr. Giuseppe Colangelo (Professor of Political Economics; Deputy-Rector of the University of Insubria; Member of the Scientific Board of the ENVIRONMENTAL AND TERRITORIAL POLITICS STUDIES CENTRE)

Prof. Dr. Maurizio Cafagno (Professor of Administrative Law; Director of the ENVIRONMENTAL AND TERRITORIAL POLITICS STUDIES CENTRE)

Prof. Dr. Emanuele Boscolo (Professor of Administrative Law; Member of the Scientific Board of the ENVIRONMENTAL AND TERRITORIAL POLITICS STUDIES CENTRE)

Prof. Dr. Giorgio Grasso (Professor of Constitutional Law; Member of the Scientific Board of the ENVIRONMENTAL AND TERRITORIAL POLITICS STUDIES CENTRE)

Prof. Dr. Valentina Jacometti (Professor of Comparative Law; Member of the ENVIRONMENTAL AND TERRITORIAL POLITICS STUDIES CENTRE)

Prof. Dr. Chiara Perini (Professor of Criminal Law; Member of the ENVIRONMENTAL AND TERRITORIAL POLITICS STUDIES CENTRE)