

RIVISTAGIURIDICA  
DELL'  
**AMBIENTE**

*diretta da*

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Abstract

BARBARA DELMONTE

*Climate Change - Greenhouse effects - EUROCOLD*

*In recent years an increasing evidence of changes in the climate has been observed, specifically regarding the terrestrial cryosphere. In order to understand whether these variations fall within the natural terrestrial climatic variations or if, on the contrary, they represent an anomaly with respect to the geological past, it is essential to make use of paleoclimatic and paleoenvironmental archives such as ice cores extracted from the ice caps of the polar regions of our planet (mainly Greenland and Antarctica). The physical and chemical parameters measured along the ice cores extracted from the polar ice caps are directly linked to the conditions of the atmosphere (and therefore of the climate) of the past, and in some cases it is even possible to analyze the bubbles of "fossil air" trapped in the ice. The main paleoenvironmental data that can be obtained are temperature and humidity of the air, chemical composition and dust content of the atmosphere, atmospheric circulation, solar activity and volcanic activity.*

Abstract

PIERGIUSEPPE MARONE – FABIO GIUDICE

*Sustainability - Transition - Sustainable consumption  
Circular bioeconomy - STAR-ProBio*

*This paper examines the transition to sustainable consumption patterns through an economic lens. Some macro-trends were reviewed that highlight the need for a paradigm shift: the ongoing demographic transition; the economic growth and the unequal distribution of income; the increase in CO2 emissions and excessive waste production associated with unsustainable consumption and production patterns; the COVID-19 pandemic, both in its causes and its effects. Some solutions are then proposed, in particular the transition from a linear to a circular production model and the substitution of fossil fuels with biomasses. The role that new generation biorefineries can play in such transition is investigated and the impact of different types of uncertainty associated with the hoped-for paradigmatic shift is assessed. In this sense, a multilevel approach is adopted to take into account technological, social and environmental aspects. At the end of the paper, a synthetic box introducing some results obtained as part of the European STAR-ProBio project is reported. Specifically, the contribution of this research project to the elaboration of sustainability criteria to develop standards and certifications for bio-based products, as well as to support the choices of policymakers in the development of the circular bioeconomy, is highlighted.*

Abstract

BRUNO TONOLETTI

*Climate change – International relations – Measures and remedies*

*Efforts in controlling global emissions have so far been ineffective. While the plan- et is moving towards climate entropy, the international community has not yet defined a stable and shared framework of remedies and measures for it. Even the most decisive measures to contain climate-change have so far been frustrated by the continuous and exponential growth of emissions. The essay argues that a real breakthrough in climate protection policies would require a refounding of the conceptual framework within which international cooperation in this area takes place. Recognising that the uncontrollable rise in emissions is the very mechanism of the globalized economy implies that climate agreements should be seen in the context of a review of the World Trade Organisation. Furthermore, the problem of climate change, due to the size and irreversibility of the effects to be struggled, has typical features of public law problem. This kind of problems is incompatible with both the individualist logic of*

*relations between States and the claim that the measures to be taken must be economically justified. On one side, the individualistic logic has so far conditioned the search for shared solutions at international level, on the other the economic justification has encouraged the use of inefficient private instruments, such as incentives, or counter-productive instruments, such as emissions trading, thus frustrating direct investment, such as reforestation, which would instead have great effectiveness.*

Abstract

MARGHERITA RAMAJOLI

*Climate change - Green Deal - Administrative reforms - Climate litigation*

*Climate change policies need a paradigm shift for two reasons: one, the factual reason, is the outbreak of the pandemic; the other, the legal reason, is the Green Deal. Moving from the general goals stated in the Green Deal we must now identify the legal instruments for their implementation. In so doing the European Union will be able to stand as the leading institutional player in facing the tragedies caused by climate change. Struggling climate change effectively asks for administrative reforms, legislative and administrative simplification and rise in skills and qualifications within the public administration. Finally, even climate litigation, despite some of its criticisms, can play a strong symbolic and strategic value in the field.*

Abstract

SARA VALAGUZZA

*Climate change - Strategic litigations - Sustainable development models  
Public policies - Public trust doctrine*

*Despite spreading around the world with increasing intensity, and besides their influence on a general awakening of the States' attention on the environmental matters, climate change litigations pose some serious issues, if analyzed in a purely juridical manner. Indeed, these kinds of disputes try to allocate the solution of purely political or administrative issues on the judiciary, with the risk of generating confusion on the roles of judges and governments. In this account, climate change litigations are scientifically examined, both in their procedural elements and in their effects on the public policies of mitigation and adaptation. After categorizing climate change litigations as strategic litigation, and after highlighting the peculiarities of the model, argumentations are presented on the possible unsafe consequences of said claims towards the achievement of a sustainable model of development and, more generally, on the general acceptance of the law as an organizing factor of our civil life.*

Abstract

ROBERTO CARANTA – SOFIA MARRONCELLI

*Climate change - sustainable public procurement (SSP) - Green Public Procurement  
(GPP) - EU DIR. 2014/24/UE*

*This article provides an overview of the European and Italian policies and laws concerning the fight against climate change through a clever use of public procurement. Indeed, representing 14% of European GDP, public procurement is a powerful tool to influence the market towards a better use of public and private money, and in the last decades governments and organisations all around the world started to use it to achieve a greener and more sustainable economy. The article begins by describing the historical path that led to the adoption of documents such as the Paris Agreement and the European Green Deal, which strategies both include a large use of "Green Public*

*Procurement” as a type of procurement that balances the economical aspects of the tender with a number of matters of public interest such as social issues and, especially, environmental issues. After a punctual description of GPP characteristics and of the case-law of the EU Court of Justice that shaped the following legislation, the article analyses the European rules on the matter, contained in the Public Procurement Directive of 2014. The attention is drawn to Italy at last, with the analysis of the “National Action Plan for environmental sustainability of public administration consumption” and its goals. The article compares the 2014 Directive with the Italian legislation on GPP, which brings innovations such as the “Minimum Environmental Criteria”, technical directions decided by the government and compulsory for every authority purchasing certain categories of products.*

Abstract

TOMMASO BONETTI

*Climate Change - Urban Law - Planning System  
Cities - Sustainability*

*The paper addresses the issue of interactions between climate change policies and the tools of the government of the territory in the Italian legal system; in particular, the author gives account of the measures contained in the spatial and urban planning, by considering also the possibility that countering climate change may become a new paradigm for the planning system.*

Abstract

FABRIZIO FRACCHIA

*Environmental law - sustainable development  
transport system - climate change*

*The article analyzes the impact of the transport system on climate change. After underlining how the thematic area of transport encompasses many very different phenomena (roads, motorways, railway lines, navigable lines, cycle paths, air transport), it examines the plurality of legal regimes provided for by the legal system and the relevance of the European regulation. The article suggests the passage from the paradigm of environmentally compatible transport to that of sustainable transport also from the health point of view.*

Abstract

EUGENIO BRUTI LIBERATI

*Green Deal - Energy  
Green Industrial Policy*

*With its Communication 11 December 2019 on the European Green Deal, the EU Commission expressed the conviction that it could reconcile economic development and market dynamics with an incisive and credible fight against climate change, reorienting its model of regulation of the economy towards environmental sustainability, but without giving up the benefits associated with freedom of initiative and with the operation of competitive mechanisms. The actual will and ability of the European institutions to change their paradigm of regulation of economic activities in an incisive way will have to be verified in practice; first of all, with all the legislative measures that, in the coming months, will have to give shape and substance to the intentions expressed in the Communication. However, some encouraging signs can already be drawn from the legislation relating to the energy sector which, in 2018-2019, was disciplined by a Package of regulations and directives significantly oriented towards the perspective of sustainability. Analyzing the model of discipline outlined by this Package is therefore important, even besides the specific issues related to energy, to grasp the basic guidelines of the design that the European legislator could materially implement.*

## Abstract

GIULIA AVANZINI

*Plastic Pollution - Circular economy - Climate change  
Marine litter - Public Law*

*This Paper analyzes policy and environment evolution related to plastic pollution. The initial fragmented and segmented approach has been substituted by a more organic one, but this is not able to cover all the steps of plastic products' life cycle and it is only restricted to some negative effects generated by plastic waste. The European Union, issuing the directive UE 2019/904, adds this new regulation to the circular economy package and its target is to minimize plastic production and consumption adopting some product selling prohibitions and restrictions, providing incentives for research of alternative and biodegradable products, increasing the recycling and the accountability of the manufactures. The new strategy also includes the goal to reduce the plastic waste at sea and on European shores protecting the biodiversity of Oceans. However the new regulation contains several issues and limitations: the scope of application is limited to certain plastics and some disposable plastic items; it does not overcome the economic rationale, the goal of which is the creation of a sustainable market capable to increase wealth and employment for European companies and it does not link the fighting against the plastic abuse to combat climate change. This last prospective could support to identify new policy instruments recovering a central role played by the States and the by the Public Law finding new commercial agreements at international level.*

## Abstract

TULLIO SCOVAZZI

*Climate change - Paris Agreement - Mitigation and adaptation  
Ambitious efforts*

*To implement the 1992 United Nations Framework Convention on Climate Change, the Kyoto Protocol was concluded in 1997. It was subsequently replaced by the Paris Agreement (2015) that follows a different approach. To address the mitigation and adaptation objectives set forth in the Agreement, the parties undertake and communicate "ambitious efforts", as their nationally determined contributions to the global response to climate change. The efforts of the Parties are intended to represent a progression over time. Is the strange concept of "ambitious efforts" a reliable alternative to the scheme of rights and obligations, which is traditional in international treaties?*

## Abstract

ALESSIA VANOLI

*Air pollution - Air emissions permit  
Regulation of pollutant emissions from industrial installations  
Precautionary principle - Diffuse pollution*

*The precautionary principle, as a core principle in the fields of environmental protection and human health, justifies the adoption of prudential measures in order to avoid – or, at least, to reduce – a risk, in those specific circumstances in which scientific evidence is insufficient, inconclusive or uncertain. The present work is aimed at examining the conditions and the effects of the application of the precautionary approach in the fight against diffuse air pollution, taking the cue from a specific case – recently decided by the Italian Supreme Administrative Court – concerning industrial emissions of air pollutants. For such a purpose, the first part of this paper provides an overview of the precautionary principle, with specific regard to its origins, scope, limits and its controversial relationship with the rule of law, in terms of predictability of public decisions. In the second part, an analysis of both national and European legal framework regulating pollutant emissions from industrial installations is carried out. In the end, some considerations are made about the need to apply the precautionary principle, possibly at the planning stage, with due regard to proportionality and predictability, so as to protect economic freedoms and rights of individuals and organizations as well.*