

RIVISTAGIURIDICA
DELL'
AMBIENTE

diretta da

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Abstract

BARBARA POZZO

Circular economy, environmental management systems, environmental information

In the past years, the EU Commission has stressed the important role that consumers could play in defining the success of sustainable products, if correctly informed. Unfortunately, faced with a profusion of labels or environmental claims, EU consumers often find it difficult to differentiate between products and to trust the information available. Green claims may not always meet legal requirements for reliability, accuracy and clarity and the phenomenon of greenwashing is widespread. At international level, both the International Standards Organization and the International Chamber of Commerce have taken initiatives, with the goal of making green claims more reliable. In the different Member States, national advertisement self-regulatory authorities have introduced specific norms and directives aimed at preventing the misuse of these claims to mislead the consumers. The Commission is working with stakeholders to make green claims more trustworthy, in order to ensure better enforcement of the rules in place, including through updated guidance on unfair commercial practices.

Abstract

STEFANO DOMINELLI

*Environmental Law - International and EU Climate Change Law
Human Rights Law - Concurring regimes in international law Urgenda.
Public interests litigation*

By commenting the latest 2019 decision of the Dutch Supreme Court in the Urgenda case, the present work focuses on how litigants may turn to human rights law instruments to pursue environmental public interest litigation goals, if the relevant municipal legal framework is suited to that end. The analysis shows that despite a national approach towards international law which may increase the likelihood of positive outcomes of such proceedings, domestic courts are still required efforts to construct State liability as separate branches of international law, i.e. environmental law and human rights law, must be integrated to determine the extent of the State's obligation. An operation that, if not under the methodological point of view, could in given circumstances pave the way to critiques based on the separation of powers between judiciary and the government to the extent the former obliges the latter in respecting judicially imposed limits in environmental matters.

Abstract

CESARE PITEA

*Court of Justice of the European Union – Access to Justice – Aarhus Convention
Aarhus Convention Compliance Committee – European Green Deal*

The Judgment of the Court of Justice in the Mellifera case confirms that NGOs do not have standing under the so-called “Aarhus Regulation” to request the review of administrative acts of general nature in the field of environmental law. Article 9(3) of the Aarhus Convention can neither invalidate inconsistent secondary legislation, as it lacks direct effect nor it requires a consistent interpretation of the Aarhus Regulation to stretch the meaning of its terms. One noticeable feature of the judgment is that it ignores altogether the findings of the Aarhus Convention Compliance Committee. Coupled with the EU position at the sixth Meeting of the Parties, its reluctance to be subject to external assessment of its compliance with international environmental obligations. However, the recent initiatives of the Commission in the field of access to environmental justice in the framework of the European Green Deal seem to have softened the conflict with the bodies of the Aarhus Convention.

Abstract

ANITA MATTES

Environmental management systems - Source Water Water pollution and Waste

This essay aims to analyze the situation of the Brazilian water and sewage services management system, specifically regarding the normative framework and the recently adopted Brazilian legislation: Law No. 14,026 of July 15, 2020 that aims to universalize the access to sanitation through the privatization of current public companies and an increase of the private sector's participation in the sector. To this end, an exploratory and explanatory qualitative investigation was carried out, based on the analysis of official Brazilian data bases, as well as from the sector's legislation, complemented by other social analyses. Considering the congenital deficiencies of the sector, we concluded that the challenge of giving a new Basic Regulatory Framework is relevant but does not seem sufficient to guarantee the precise protection of public sanitation interests that involve several other rights, such as the right to adequate housing, education and, above all, access to healthcare for the entire population.