



UNIVERSITETET I BERGEN  
*Det juridiske fakultet*

**Styre:** Fakultetsstyret ved Det juridiske fakultet  
**Styresak:** 11/23  
**Møtedato:** 07.02.2023  
**Journalnummer:** 2023/1803

---

**NEDLEGGING AV JUS271-2-E INTERNATIONAL CLIMATE LAW OG OPPRETNING AV JUS2311 INTERNATIONAL CLIMATE LAW OG JUS3511 INTERNATIONAL CLIMATE LAW**

---

### Bakgrunn

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar.

Emneansvarleg Ignacio Herrera Anchustegui har utarbeidd dei to emneskildringane som ligg ved.

Som vedlegg følgjer saka slik ho vart presentert for studieutvalet, inkludert ei oppsummering av skilnadene på bacheloremnet og masteremnet, samt emneskildringar for begge emna.

### Handsaming i studieutvalet

Studieutvalet handsama saka i sitt møte den 26.01.2023 og oversender saka til fakultetsstyret med følgjande uttale:

«Studieutvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS271-2-E International Climate Law etter studieåret 2022/2023 og i staden oppretta JUS2311 International Climate Law og JUS3511 International Climate Law som skal undervisast første gong vårsemesteret 2024, og til å vedta overgangsordning og tal på vurderingsforsøk som skildra.»

På denne bakgrunn blir det sett fram følgjande:

### forslag til vedtak:

1. JUS271-2-E International Climate Law blir lagt ned etter studieåret 2022/2023.
2. Emna JUS2311 International Climate Law og JUS3511 International Climate Law blir oppretta og skal undervisast første gong haustsemesteret 2023.
3. Overgangsordning for studentar som treng å gjennomføra vurdering i gamalt emne JUS271-2-E International Climate Law etter studieåret 2022/2023: Studentane avlegg i staden eksamen i nytt emne JUS3511 International Climate Law.

4. Studentar har tre vurderingsforsøk samla både for det gamle emnet JUS271-2-E International Climate Law i kombinasjon med eitt av dei to nye emna, og samla for dei to nye emna i kombinasjon.

Karl Harald Søvig  
dekan

Øystein L. Iversen  
fakultetsdirektør

30.01.2023  
INTØ

Vedlegg:

1. Sak 3/23-8 til Studieutvalet
2. Emneskildring JUS2311 International Climate Law
3. Emneskildring JUS3511 Free movement under EU and EEA market law

ak 3/23-8

## ***Nedlegging av JUS271-2-E International Climate Law og oppretting av JUS2311 International Climate Law og JUS3511 International Climate Law***

I sak 76/22 til fakultetsstyret 27.9.2022 vedtok fakultetsstyret ny modell for engelskspråklege emne ved fakultetet der dei engelskspråklege emna som hovudregel skal finnast i to variantar med ulike emnkodar: Den eine versjonen av emnet skal ha læringsutbyteskildring i samsvar med bachelornivået i nasjonalt kvalifikasjonsrammeverk, og den andre versjonen av emnet skal ha læringsutbyteskildring i samsvar med masternivå i nasjonalt kvalifikasjonsrammeverk.

Som oppfølging av dette vedtaket har dei emneansvarlege for engelskspråklege spesialemne blitt bedne om å utarbeida nye emneskildringar. Emneansvarleg Ignacio Herrera Anchustegui har utarbeidd dei to emneskildringane som ligg ved. Skilnadene mellom bacheloremnet og masteremnet er markert med raud skrift i masteremnet.

Mål og innhald er i hovudsak likt i dei to emna, men som tillegg i masteremnet skal studentane også læra om karbonfangst og karbonlagring som eit verktøy for å redusera klimaendringane. Forventa læringsutbyte er tilpassa høvesvis studentar på 3. studieår (bachelornivå) og studentar på 5. studieår (masternivå) både ved at nemnde karbonfangst og karbonlagring kjem som tillegg under forventa kunnskap i masteremnet, og ved at nokre av ferdigheitene vil bli andre, eller på eit høgare nivå, hos studentar på masternivå enn hos studentar på bachelornivå.

Ut over dei 10 + 2 forelesingane som engelske val- og spesialemne i tråd med den nye modellen vil ha til rådighet, ønskjer emneansvarleg å tilby éi (eventuelt to) ekstra samlingar som del av undervisninga. Emneansvarleg er gjort kjend med at undervisning ut over det som er normert for engelskspråklege val- og spesialemne ikkje kan godskrivas i undervisningsrekneskapen.

Bacheloremnet har ingen obligatoriske arbeidskrav, medan det på masteremnet er obligatorisk med ein studentpresentasjon i gruppe. Vurderingsforma i begge emna er ein kombinasjon av heimeeksamen og firetimars heimeeksamen, men ordlengda på heimeeksamen er ulik for dei to nivåa. Medan studentar på bachelornivå skal skriva maks 2000 ord, skal studentar på masternivå skriva minimum 2500, maksimum 3000 ord.

Litteraturlistene for dei to emna er ikkje klare enno, men emneansvarleg er gjort kjend med tilrådingane om mengd litteratur, og vil utarbeida litteraturlister i tråd med dette og leggja desse fram for SU i tide til fristen for publisering av litteraturlister for vårsemesteret 2024.

### **Overgangsordning og tal på eksamensforsøk**

§3-2-4 i Forskrift om opptak, studier, vurdering og grader ved Universitetet i Bergen (UiB-forskrifta) seier: «Ved nedlegging av studieprogram, studieretninger og emner skal vedtaksorganet fastsette overgangstid for undervisning og vurdering. Studenter som er tatt opp til studieprogram som vedtas nedlagt, har rett til å fullføre dette i samsvar med vedtak om overgangstid. Ved nedlegging av emner skal det normalt avholdes vurdering i emnet i ett eller to påfølgende semestre etter siste undervisningssemester.»

I dette tilfellet er emna på masternivå så like at studentar som treng å gjennomføra vurdering i gamalt emne JUS271-2-E etter vårsemesteret 2024, i staden vil bli viste til å avlegga eksamen i nytt emne JUS3509 International climate law.

§ 6-8-1 i UiB-forskrifta seier følgjande om antall vurderingsforsøk: «Ved Universitetet i Bergen gjelder det ordinært en øvre grense på tre vurderingsforsøk for det enkelte emne. Begrensningen i antallet vurderingsforsøk gjelder også dersom emnet har skiftet emnekode, inngår med ulik kode i flere studieprogrammer eller inngår i ny form i et studieprogram i tilknytning til en overgangsordning.

I medhald av dette gjeld at studentar har tre vurderingsforsøk samla både for det gamle emnet JUS271-2-E og kvart av dei to nye emna, og samla for dei to nye emna i kombinasjon. Ein student som tidlegare har nytta alle vurderingsforsøka i emnet på 3. studieår, kan ikkje få nye høve til å greia emnet ved å i staden melda seg til den andre utgåva av emnet på 5. studieår.

**SU uttalar:**

Studieutvalet oppfordrar fakultetsstyret til å leggja ned emnet JUS271-2-E International Climate Law etter studieåret 2022/2023 og i staden oppretta JUS2311 International Climate Law og JUS3511 International Climate Law som skal undervisast første gong vårsemesteret 2024, og til å vedta overgangsordningar og tal på vurderingsforsøk som skildra.

*Vedlegg: Emneskildringar*

# JUS2311 International Climate Law

## Bachelor's level (Spring 2024)

Ignacio Herrera Anchustegui

**Course Name**

International Climate Law

**Course Teacher and Coordinator**

Ignacio Herrera Anchustegui

**ECTS Credits**

10

**Level of Study**

Bachelor

**Full-time/Part-time**

Full-time

**Teaching Semester**

Spring

**Place of Instruction**

Faculty of Law, University of Bergen

**Objectives and Content**

This course deals with the law and policy designed to mitigate climate change. The world is in a profound climate transformation and legislators worldwide seek different avenues to address this pressing issue while finding a balance between protecting nature and ensuring economic development.

In such a light and perhaps our generation's most important challenge, the course aims to give the student knowledge and understanding of the regulation and implementation of climate regulation and its implications for our society in international law, European law and some important national jurisdictions. Our class will sit at the intersection of several legal disciplines. International and European climate law will be combined with international trade law, sustainability and public international rules, to give the student a complete overview of this most important topic.

The course provides insight into basic principles for resource governance, sustainability and the relationship between public interests and business interests and the use of modern market instruments in climate governance.

The course's guiding question will be how regulation plays a role to create incentives and frameworks that deal with climate change and question whether the rules in place are well-designed and are sufficient to reach such aim.

**Kommentert [MALF1]:** Sjekk med IHA ang undervisningssemester

**Kommentert [IET2R1]:** @Ignacio Herrera Anchustegui, her hadde du opprinnelig skrevet autumn (vi har endret til spring). Går ut fra at det bare var en feil og at du er klar over at emnet skal undervises i vårsemesteret?

Our course will first discuss the causes and effects of climate change and bring about an introduction behind the regulatory and policy schemes to control and limit it. This will be couple with a discussion of relevant principles of public international, environmental and sustainability law.

Of special importance to this class will be the role played by the leading international treaty on climate change: the Paris Agreement. The study of international rules will be combined with a through discussion of the EU and EEA initiatives: The EU Climate Change Law, the EU Green Deal, the "Fit for 55" 2021 Package, the EU Taxonomy, and Norwegian Climate Change instruments and policy.

Central to our course will be the way that carbon markets are organized, studying examples based on quota and taxation systems. Examples that will be discussed in class will be EU Emission trading system (EU-ETS), green certificate (Norway and Sweden), certificate of origins, etc. We will also study alternatives and jurisdictions in which climate change measures are not based on carbon/greenhouse markets, such as Australia.

Finally, climate change litigation and the role of courts in reviewing governmental policies, laws and the conduct of companies will also be studied.

### **Learning outcomes**

#### **Knowledge**

The course will give the students a thorough understanding of the governance climate change and the interplay between climate regulation, economics and legal frameworks. Principles on environmental, public international and climate change law will be discussed. Students will learn the different regulatory and policy options available for governments and even private players to deal with climate change implications and seek to mitigate it.

In the course we will focus more specifically in:

- Causes and effects of climate change
- Regulatory avenues to deal with climate change
- Relation to different legal disciplines: public international law, environmental law, energy law, corporate law
- International, European and national rules to tackle climate change
- Carbon markets and their functioning
- Financial regulation addressed to foster climate change-friendly investment
- Climate change litigation

#### **Skills**

Upon completion of the course, the student should be able to

- explain the objectives, principles and development of climate law and policy from an international and European perspective
- describe the principles and systems used to address climate change consequences
- reflect on the complexity of climate change regulation as an area in the intersecity of many legal disciplines and societal goals and values
- apply legal principles and regulations in problem-solving in climate law on an international and national level
- have an understanding of the concept of green financing, its general regulation in EU law and its implications

- clarify the system for emissions trading in various jurisdictions, including the EU
- discuss critically the role of courts when dealing with climate change litigation and distinguish between litigation vs states and litigation vs private bodies

Students will also have developed the ability to:

- understand and engage with doctrinal, policy, and theoretical sources of different types, and to use those sources to present scholarly arguments in the fields covered by the course;
- apply academic knowledge and relevant work to practical and theoretical problems in the fields of marine/maritime spaces regulation, and to make well-founded choices between different legal and policy alternatives;
- find, evaluate, and refer to information and scholarly ideas and to present them in an appropriate written manner;
- engage in debates and write reasoned responses to questions on legal and policy issues in the field of sea utilization;
- to analyze and answer practical legal problems in the marine/maritime sectors

#### **Required previous knowledge**

Two years of law studies.

#### **Recommended previous knowledge**

Good level of English language.

#### **Credit Reduction due to Course Overlap**

Combined with JUS271-2-C or JUS271-2-E International Climate Law or JUS3511 International Climate Law this course will generate no new credits

The course is designed to be complemented and combines successfully with:

- JUS2310/JUS3510 Energy Law: Hydrocarbons, Renewables and Energy Markets
- JUS2316/JUS3516 Law of the Sea and its Uses

#### **Access to the Course**

The course is available for students:

- admitted to the five-year master programme in law;
- granted admission to elective courses at the Faculty of Law;
- exchange students at the Faculty of Law.

The pre-requirements may still limit certain students' access to the course.

#### **Teaching and learning methods**

Lectures, group workshops, and possibilities to participate in specialized seminars/conferences.

Ten (10) lectures, and one voluntary session with master's student presentations (1). Total eleven sessions (11).

#### **Compulsory Assignments and Attendance**

None

### Forms of Assessment

The exam consists of two parts:

- Home exam: during the course the students shall write a paper of maximum 2,000 words on a subject provided by the course supervisor. The home exam constitutes 40% of the final grade.
- School exam: Four-hour digital examination. The school exam constitutes 60% of the final grade.  
[www.uib.no/en/education/87471/digital-examination](http://www.uib.no/en/education/87471/digital-examination)

### Exam language:

Question paper and school exam: English

Answer paper and school exam: English

### Examination Support Material

*Support materials allowed during school exam*

See section 3-5 of the Supplementary Regulations for Studies at the Faculty of Law at the University of Bergen.

*Special regulations about dictionaries*

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example *both* Norwegian-English and English-Norwegian are considered as one dictionary;
- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in *two* different volumes are also considered as one dictionary (irrespective of publisher or edition);
- Dictionaries as described above cannot be combined with any other types of dictionaries;
- Any kind of combination which makes up *more than* two physical volumes is forbidden;
- In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator *minimum two weeks* before the exam. Students who have not been granted permission to have a special combination *minimum two weeks* before the exam will be subject to the usual regulations (Section 3-5) about examination support materials.

### Grading Scale

A - E for passed, F for failed

### Course Evaluation

According to the administrative arrangements for course evaluation at the Faculty of Law



# JUS3511 International Climate Law

## Master level (Spring 2024)

Ignacio Herrera Anchustegui

**Course Name**

International Climate Law

**Course Teacher and Coordinator**

Ignacio Herrera Anchustegui

**ECTS Credits**

10

**Level of Study**

Master

**Full-time/Part-time**

Full-time

**Teaching Semester**

Spring

**Place of Instruction**

Faculty of Law, University of Bergen

**Objectives and Content**

This course deals with the law and policy designed to mitigate climate change. The world is in a profound climate transformation and legislators worldwide seek different avenues to address this pressing issue while finding a balance between protecting nature and ensuring economic development.

In such a light and perhaps our generation's most important challenge, the course aims to give the student knowledge and understanding of the regulation and implementation of climate regulation and its implications for our society in international law, European law and some important national jurisdictions. Our class will sit at the intersection of several legal disciplines. International and European climate law will be combined with international trade law, sustainability and public international rules, to give the student a complete overview of this most important topic.

The course provides insight into basic principles for resource governance, sustainability and the relationship between public interests and business interests and the use of modern market instruments in climate governance.

The course's guiding question will be how regulation plays a role to create incentives and frameworks that deal with climate change and question whether the rules in place are well-designed and are sufficient to teach such aim.

Our course will first discuss the causes and effects of climate change and bring about an introduction behind the regulatory and policy schemes to control and limit it. This will be couple with a discussion of relevant principles of public international, environmental and sustainability law.

Kommentert [MALF3]: Sjekk med IHA ang undervisningssemester

Of special importance to this class will be the role played by the leading international treaty on climate change: the Paris Agreement. The study of international rules will be combined with a through discussion of the EU and EEA initiatives: The EU Climate Change Law, the EU Green Deal, the "Fit for 55" 2021 Package, the EU Taxonomy, and Norwegian Climate Change instruments and policy.

Central to our course will be the way that carbon markets are organized, studying examples based on quota and taxation systems. Examples that will be discussed in class will be EU Emission trading system (EU-ETS), green certificate (Norway and Sweden), certificate of origins, etc. We will also study alternatives and jurisdictions in which climate change measures are not based on carbon/greenhouse markets, such as Australia.

Connected to this, the course will incorporate the study of carbon capture use and storage as tool to mitigate climate change.

Finally, climate change litigation and the role of courts in reviewing governmental policies, laws and the conduct of companies will also be studied.

### Learning outcomes

#### Knowledge

The course will give the students a thorough understanding of the governance climate change and the interplay between climate regulation, economics and legal frameworks. Principles on environmental, public international and climate change law will be discussed. Students will learn the different regulatory and policy options available for governments and even private players to deal with climate change implications and seek to mitigate it.

In the course we will focus more specifically in:

- Causes and effects of climate change
- Regulatory avenues to deal with climate change
- Relation to different legal disciplines: public international law, environmental law, energy law, corporate law
- International, European and national rules to tackle climate change
- Carbon markets and their functioning
- Sectoral impacts of carbon regulation: latest trends: aviation, shipping and cross-border mechanisms
- Financial regulation addressed to foster climate change-friendly investment
- Climate change litigation
- The regulation of carbon capture, use and storage solutions and its relation to carbon market

#### Skills

Upon completion of the course, the student should be able to

- Explain and analyze critically the objectives, principles and development of climate law and policy from an international and European perspective
- Describe the principles and systems used to address climate change consequences
- Reflect on the complexity of climate change regulation as an area in the intersection of many legal disciplines and societal goals and values

- Apply legal principles and regulations in problem-solving in climate law on an international and national level
- Have an understanding of the concept of green financing, its general regulation in EU law and its implications, **as well as discussing the financial implications of these measures for particular economic sectors, such as energy**
- Clarify the system for emissions trading in various jurisdictions, including the EU **and be capable of applying the concept of carbon markets in theoretical and/or practical settings**
- Discuss critically the role of courts when dealing with climate change litigation and distinguish between litigation vs states and litigation vs private bodies
- **Be able to present scientific and legal information to a live audience in a structured, logical and planned manner**

Students will also have developed the ability to:

- understand and engage with doctrinal, policy, and theoretical sources of different types, and to use those sources to present scholarly arguments in the fields covered by the course;
- apply academic knowledge and relevant work to practical and theoretical problems in the fields of marine/maritime spaces regulation, and to make well-founded choices between different legal and policy alternatives;
- find, evaluate, and refer to information and scholarly ideas and to present them in an appropriate written manner;
- engage in debates and write reasoned responses to questions on legal and policy issues in the field of sea utilization;
- analyze and answer practical legal problems in the marine/maritime sectors

#### **Required previous knowledge**

**Three** years of law studies.

For students in the master's programme in sustainability: Three years of university studies.

#### **Recommended previous knowledge**

Good level of English language.

#### **Credit Reduction due to Course Overlap**

Combined with JUS271-2-C or JUS271-2-E International Climate Law or JUS2311 International Climate Law this course will generate no new credits.

The course is designed to be complemented by, and combines successfully with:

- JUS2310/JUS3510 Energy Law: Hydrocarbons, Renewables and Energy Markets
- JUS2316/JUS3516 Law of the Sea and its Uses

#### **Access to the Course**

The course is available for the following students:

- Admitted to the five-year master programme in law
- Admitted to the two-year master programme in law
- Admitted to the Master of Laws (LLM) in EU and EEA Law
- Admitted to the master's programme in sustainability
- Granted admission to elective courses at the Faculty of Law
- Granted additional right to study following completed Master in Law degree at UiB
- Exchange students at the Faculty of Law

### Teaching and learning methods

Lectures, **student group presentations**, and possibilities to participate in specialized seminars/conferences.

**Twelve (12)** lectures, **one group presentation (1)**. Total **thirteen** sessions (**13**).

### Compulsory Assignments and Attendance

Group presentation.

### Forms of Assessment

The exam consists of two parts:

- Home exam: during the course the students shall write a paper of **minimum 2,500 and maximum 3,000** words on a subject provided by the course supervisor. The home exam constitutes 40% of the final grade.
- School exam: Four-hour digital examination. The school exam constitutes 60% of the final grade.

Information about digital examination: [www.uib.no/en/education/87471/digital-examination](http://www.uib.no/en/education/87471/digital-examination)

### Exam language:

Question paper and school exam: English

Answer paper and school exam: English

### Examination Support Material

*Support materials allowed during school exam*

See section 3-5 of the Supplementary Regulations for Studies at the Faculty of Law at the University of Bergen.

*Special regulations about dictionaries*

- According to the Regulations for Studies, one dictionary is permitted support material during the examination. Bilingual dictionaries containing for example *both* Norwegian-English and English-Norwegian are considered as one dictionary;
- Bilingual dictionaries to/from the same two languages - for example Norwegian-English/English-Norwegian - in *two* different volumes are also considered as one dictionary (irrespective of publisher or edition);
- Dictionaries as described above cannot be combined with any other types of dictionaries;
- Any kind of combination which makes up *more than* two physical volumes is forbidden;
- In case a student has a special need for any other combination than the above mentioned, such combination has to be clarified with/approved by the course coordinator *minimum two weeks* before the exam. Students who have not been granted permission to have a special combination *minimum two weeks* before the exam will be subject to the [usual regulations](#) (Section 3-5) about examination support materials.

### Grading Scale

A - E for passed, F for failed

### Course Evaluation

According to the administrative arrangements for course evaluation at the Faculty of Law