

IV Interdisciplinary Seminar on Climate, Energy and Sustainability

Monday, 14th June 2021 09:30 – 13:00

PROGRAMME

Time	Programme
From 09:20	Zoom room opens
09:30 – 09:45	<p><u>Welcome and Introduction to the IV Interdisciplinary Seminar on Climate, Energy and Sustainability</u></p> <p><i>Associate Prof. Beatriz Martinez Romera, Centre for International Law, Conflict and Governance (CILG), Faculty of Law, University of Copenhagen (UCPH)</i></p>
09:45 – 10:45	<p><u>Session 1</u></p> <p><u>Chair: Dr. Alessandro Monti</u>, Postdoc, Faculty of Law, UCPH, Vice President Energy Crossroads Denmark</p> <p>1. Andreas Hoesli, Faculty of Law, UCPH <i>Corporate Climate Responsibility</i></p> <p>2. Karla Zambrano González, Faculty of Law, University of Valencia <i>Climate Change, European Union and Future Generations</i></p> <p>3. Tobias Mark Jensen, Faculty of Law, UCPH <i>Climate Change and Intellectual Property: Key Challenges and Ways Forward</i></p>
10:45 – 11:00	<i>Coffee Break</i>

Time	Programme
11:00 – 12:00	<p data-bbox="475 239 603 275"><u>Session 2</u></p> <p data-bbox="475 322 1318 358"><u>Chair:</u> Dr. Linnéa Nordlander, Postdoc, Faculty of Law, UCPH</p> <p data-bbox="475 405 1394 521">1. Jørgen Nyberget, Cecilie Mejer Helwig Rasmussen, Vera Hesselholt, Lyna Bakhta and Izabella Garnett, Faculties of Law and Humanities, UCPH <i>Circular Clothing Taxation — An interdisciplinary study of consumer-side tax measures to encourage more sustainable clothing and textile habits</i></p> <p data-bbox="475 703 1437 864">2. Roohi Ghelani, International Institute for Industrial Environmental Economics (IIIEE), Lund University <i>Patient and Planet: Developing a Tool to Facilitate Design of Medical Products for a Circular Economy</i></p> <p data-bbox="475 911 1386 1072">3. André Rosado, Faculty of Law, Aberystwyth University <i>New terminology under the Convention on Biological Diversity and its protocols: Analyzing the regulatory status of Synthetic Biology and Digital Sequence Information on Genetic Resources</i></p>
12:00 – 12:15	<p data-bbox="475 1128 769 1164"><u>Concluding Remarks</u></p> <p data-bbox="475 1211 1334 1328"><i>Associate Prof. Emmanuel Raju</i>, Copenhagen Center for Disaster Research (COPE), Department of Public Health, University of Copenhagen</p> <p data-bbox="475 1375 1414 1491"><i>Associate Prof. Beatriz Martínez Romera</i>, Centre for International Law, Conflict and Governance (CILG), Faculty of Law, University of Copenhagen</p>
12:15 – 12:45	<p data-bbox="475 1554 820 1590"><i><u>Virtual Networking led by:</u></i></p> <p data-bbox="475 1637 1406 1709">Dr. Alessandro Monti, Postdoc, Faculty of Law, UCPH, Vice President Energy Crossroads Denmark</p> <p data-bbox="475 1756 1023 1792">Anna Beatriz Kruse, Casus Clima, UCPH</p>

ABSTRACTS:

Andreas Hoesli, Faculty of Law, UCPH
Corporate Climate Responsibility

Abstract

Arguably, the state-centred approach under the international framework to address climate change, the UNFCCC (including the 2015 Paris Agreement) has yielded little success in terms of reducing greenhouse gas emissions (GHG) at the scale necessary. Deviating from common approaches to climate issues, my thesis explores the role of non-state actors, specifically corporations, in global climate governance. Combining the areas of the international law on climate change and corporate law, this study explores the legal responsibility of corporations to reduce their GHG emissions from a transnational perspective.

Karla Zambrano González, Faculty of Law, University of Valencia
Climate Change, European Union and Future Generations

Abstract

In recent years, a youth movement for climate has been raised against governments and their failure to take action on climate change. This young's movement, formed by children, teenagers and early adults, has also started a global and European litigation for what they consider an institutional infringement of their human rights. In this context and as a consequence of the "lack of protection of minors and future generations" of the EU Member States, appears the admission of the application of Duarte Agostinho and others against Portugal and 32 other states introduced at the European Court of Human Rights on September, 2020. The case concerns greenhouse gas emissions from 33 Contracting States which contribute to global warming and manifested, among other things, by heat peaks which would impact the living conditions and health of the applicants. Additionally, the applicants allege that the adverse effects of global warming have been increasing as a result of the inaction of the EU governments despite the fact that they are committed to mitigate the greenhouse gases emissions and adopt effective policies to achieve their commitments under the enforced international regulations and concretely, the non-compliance by these 33 States with their positive obligations under Articles 2 and 8 of the European Convention of Human Rights, read in the light of the commitments made under the 2015 Paris Climate Agreement. The case, which is pending of judgement, is a landmark application and hopefully would be a milestone decision. The aim of this communication is to understand which are the rights involved in this issue and the state of fulfilment of the obligations of the EU Member States.

Tobias Mark Jensen, Faculty of Law, UCPH
Climate Change and Intellectual Property: Key Challenges and Ways Forward

Abstract

Technology is going to play a pivotal role in the green transition and fulfilling the goals of the Paris Agreement. Remarkably, the Paris Agreement does not address intellectual property rights. Currently,

the majority of green technology is developed in the private sector, where it typically will be subject to IP-rights and patents. In this presentation, I will briefly go over the legal framework that obliges developed countries to support developing countries in their climate effort by conducting technology transfers of green technologies. I will address if the climate regime should address IP rights, and whether, namely patents, presents a barrier or an opportunity for disseminating environmentally friendly technologies. I will discuss how parties to the TRIPS agreement made an exclusion for patents on vital medicines and vaccines, and whether a similar declaration should be made on behalf of green technologies. From the viewpoint of developing countries, IP rights should be viewed in the context of the country's *absorptive capacities*, meaning a country's ability to take in new technologies. Well-functioning IP Laws and a healthy innovative eco-system can attract green investments from private companies and developed countries. Finally, the world needs to think in alternative ways of disseminating green technologies if the overarching goals of the Paris Agreement are to be met. That could include patent pools, projects such as the UNEP-DTU partnership, and more governmental regulation and public R&D in new green technologies.

Jørgen Nyberget, Cecilie Mejer Helwig Rasmussen, Vera Hesselholt, Lyna Bakhta and Izabella Garnett, Faculties of Law and Humanities, UCPH

Circular Clothing Taxation — An interdisciplinary study of consumer-side tax measures to encourage more sustainable clothing and textile habits

Abstract

The fashion industry is responsible for 10% of global CO₂ emissions. Despite this, few regulatory measures have been imposed or proposed by governments to change consumers' behaviour to promote more sustainable and circular consumption habits for clothes. As empirical evidence and experience with Pigovian taxes on sugar, fat and tobacco, shows, taxes can be a useful tool to affect consumer behaviour. Through conducting an interdisciplinary study, crossing the fields of law, economics and ethnology, we will propose a taxation framework that aims to promote circularity in the clothing industry by discouraging new purchases and encouraging circularity through increased repairs and second-hand purchases. The taxation incentives proposed would, ideally, lead to a decrease in demand for new clothing and incentivise circular consumption, thereby decreasing the total CO₂ emissions from the industry. *Research Question: How to design consumer-side tax measures to encourage more circular clothing and textile habits? An analysis of tax measures that discourages new purchases and encourages circularity through increased repairs and second-hand purchases.*

Roohi Ghelani, International Institute for Industrial Environmental Economics (IIIEE), Lund University

Patient and Planet: Developing a Tool to Facilitate Design of Medical Products for a Circular Economy

Abstract:

Transitioning to a circular economy requires designing products that are meant to remain within and cycle through economic systems. While circular product design principles have been applied across

industries, the medical industry presents unique challenges with its complex regulatory requirements and the high-risk nature of innovating with medical products. This thesis aims to contribute to the implementation of circular design strategies in the medical industry by developing a tool to that will enable industry professionals to apply these strategies in practice. Research areas included exploring circular product design principles and strategies in literature, design considerations relevant for medical products, and current industry practices, which contributed to developing the tool. Academic literature was first synthesised and used to structure the subsequent review of industry practices, which involved synthesising and analysing a range of data sources such as interviews, company reports and webpages, industry reports and relevant regulations. A draft tool was developed based on these reviews and refined based on practitioner feedback. The final tool aims to facilitate discussions between stakeholders involved in the design process of medical products and engage them in formulating and implementing circular design strategies. Evaluation of the tool and feedback from practitioners indicates that it adds great value in challenging existing processes and influencing practitioners to consider alternative methods. Medical product safety will continue to be highly regulated, but recent events such as the COVID-19 pandemic have clearly demonstrated the interlinkages between planetary and human health. The medical industry has the potential to redesign products to safeguard natural resources without compromising patient safety. The tool developed in this thesis proposes a method to considering industry-specific characteristics in this pursuit.

André Rosado, Faculty of Law, Aberystwyth University, UK

New terminology under the Convention on Biological Diversity and its protocols: Analyzing the regulatory status of Synthetic Biology and Digital Sequence Information on Genetic Resources

Abstract

The majority of legal concepts and provisions of the Convention on Biological Diversity and its subsequent protocols, such as the Cartagena Protocol on Biosafety and the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization, are present in similar forms in national biodiversity legislation in most countries. Currently, Synthetic Biology (SynBio) and Digital Sequence Information on Genetic Resources (DSI) represent new challenges for national biodiversity regulators when applying the legal definitions of the Cartagena Protocol and Nagoya Protocol, respectively. This is a consequence that there is no international consensus on the legal definition and the regulatory status of SynBio and DSI. For instance, it is still unclear whether products derived from SynBio techniques will be equally considered as Living Modified Organisms and, therefore, will be subjected to regulation under the Cartagena Protocol. Also, there are claims that DSI should be excluded to regulatory oversight for access and benefit-sharing under the Nagoya Protocol. At a national level, however, some few countries have recently adopted legal instruments to assess such new regulatory issues. This article illustrates the current legal and regulatory matters and developments of SynBio and DSI. First, this study will examine the legal definition of Living Modified Organism under the Cartagena Protocol and the access to genetic resources by the Nagoya Protocol. Second, this study will analyze recently enacted domestic regulations adopted by selected countries to determine the regulatory status of SynBio and DSI. Finally, this study will provide recommendations to support the corresponding legal interpretation of these new terms.