

Table of Contents

The Author	3
List of Abbreviations	11
General Introduction	13
§1. GENERAL INFORMATION	13
I. Geography and Population	13
A. Geography	13
B. Population	14
II. Legal and Political Structure	14
A. General	14
B. Decision-Making Power and Competencies	14
III. Economic Characteristics	19
IV. Social and Cultural Characteristics	19
V. Main Environmental Problems	19
§2. BASIC PRINCIPLES OF ENVIRONMENTAL LAW	20
§3. HISTORICAL BACKGROUND	23
§4. THE ROLE OF GOVERNMENTAL INSTITUTIONS IN THE SHAPING AND ADMINISTRATION OF ENVIRONMENTAL LAW AND POLICY	24
I. General rules	24
II. Regime of Access to Environmental Public Information	25
§5. SOURCES OF ENVIRONMENTAL LAW	26
I. External Norms	27
II. National Sources of Environmental Law	30
Selected Bibliography	33
Part I. Pollution Control	37
§1. INTRODUCTION	37

Table of Contents

Chapter 1. General Law	39
§1. ENVIRONMENTAL IMPACT ASSESSMENT AND STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA)	39
I. General Remarks	39
II. Environmental Impact Assessment (EIA)	39
III. Strategic Environmental Assessment (SEA)	41
IV. EIA and the ICJ decision on the Pulp Mills Case <i>Argentina v. Uruguay</i>	42
§2. ENVIRONMENTAL PERMITS	44
§3. THE RIGHT TO A HEALTHY ENVIRONMENT	44
§4. ENVIRONMENTAL MANAGEMENT WITHIN COMPANIES	46
I. Introduction: Legal Framework	46
II. Sustainability Reports	47
III. Eco-labelling	48
Chapter 2. Air Pollution	49
§1. GENERAL	49
§2. SPECIFIC LEGISLATION	49
Chapter 3. Water Pollution	52
§1. INTRODUCTION	52
§2. SURFACE WATER	53
I. General Rules	53
II. Pollution and Water Quality	54
III. Environmental Preservation of Glaciers and Periglacial Regions	56
§3. GROUND WATER	57
§4. MARINE POLLUTION	58
§5. ENVIRONMENTAL ASPECTS OF WRECK REMOVAL ACTIVITIES	59
Chapter 4. Waste	62
§1. INTRODUCTION	62
I. Legal Framework	62
II. Jurisdiction and Main Features of Waste Policy	62

§2. OBJECTIVES OF WASTE POLICY	62
A. Household Waste	62
B. Hazardous Waste	63
C. Industrial Waste	65
1. The Use of Waste as Secondary Raw Materials	65
2. Waste Management and Disposal	66
D. Special Waste	67
§3. IMPORT AND EXPORT OF WASTE	67
§4. WASTE TAXES	67
Chapter 5. Soil Pollution	69
§1. INTRODUCTION	69
§2. LEGAL FRAMEWORK	70
§3. ENVIRONMENTAL MANAGEMENT IN POLLUTED AREAS	72
I. SAyDs' Management Manual	72
Chapter 6. Noise and Vibrations	74
§1. THE CIVIL CODE PROVISIONS	74
§2. CONTRAVENTIONAL CODE OF THE BUENOS AIRES CITY	75
Chapter 7. Radiation	77
§1. INTRODUCTION	77
§2. NON-IONIZING RADIATIONS	78
§3. LEGAL FRAMEWORK: NATIONAL LAW ON NUCLEAR ACTIVITIES	79
§4. MANAGEMENT OF RADIOACTIVE WASTE	80
Chapter 8. Other Sectors	82
§1. NOXIOUS SUBSTANCES: PESTICIDES, AGROCHEMICAL AND POP	82
§2. POLYCHLORINATED BIPHENYLS (PCBs)	84
§3. RATIONAL USE OF ENERGY	87

Table of Contents

§4. RENEWABLE OR NON-CONVENTIONAL ENERGIES	88
I. Legal Regime of Wind and Solar Energy	88
Part II. Nature Conservation and Management	91
Chapter 1. Monuments and Landscapes	91
§1. NATURAL MONUMENTS	91
§2. LANDSCAPES	91
Chapter 2. Parks and Reserves	93
§1. THE PHYSICAL CONTEXT	93
§2. THE FEDERAL LEVEL	94
Chapter 3. Wildlife Protection	96
§1. INTRODUCTION	96
§2. SPECIFIC LEGISLATION	96
Chapter 4. Agricultural Resources	99
§1. GENERAL REMARKS	99
Chapter 5. Forests	103
§1. GENERAL PRINCIPLES	103
§2. NATIONAL LEGISLATION	104
§3. LEGAL REGIME OF FORESTS' WEALTH DEFENCE	104
§4. REGIME OF MINIMUM ENVIRONMENTAL STANDARDS FOR NATIVE WOODS	106
§5. PROMOTIONAL INVESTMENT REGIME	109
§6. CONTROL OF BURNING ACTIVITIES	109
§7. RECENT RELEVANT CASES: NATIVE FORESTS IN SALTA PROVINCE	110

Chapter 6. Subsoil and Minerals	112
§1. INTRODUCTION	112
§2. HYDROCARBON EXPLORATION, PROSPECTING AND PRODUCTION	112
Part III. Zoning and Land-Use Planning	119
§1. INTRODUCTION	119
§2. JURISDICTION AND APPLICABLE LEGISLATION	120
§3. LINKS BETWEEN LAND-USE AND ZONING LAW AND ENVIRONMENTAL LAW	121
Part IV. Liability Questions	123
Chapter 1. Introduction	123
Chapter 2. Civil Liability	125
§1. INTRODUCTION	125
§2. LIABILITY FOR NEGLIGENCE	126
I. Fault	127
II. Damage	128
III. Causation	131
§3. STRICT LIABILITY	132
I. Strict Liability in the Civil Code	132
II. Strict Liability in Treaties	133
III. Liability Related to Industrial and Hazardous Waste	133
§4. ENVIRONMENTAL INSURANCE	134
I. General Principles	134
II. Rules for the Matanza-Riachuelo Basin	136
Chapter 3. Criminal Liability	138
§1. INTRODUCTION	138
§2. ENVIRONMENTAL CRIMINAL LAW	138
§3. THE SANCTIONS	138

Table of Contents

Part V. Juridical Actions of Individuals	141
Chapter 1. Administrative Remedies	141
§1. DEFINITION AND GENERAL CHARACTERISTICS	141
§2. THE REMEDIES	142
Chapter 2. Judicial Remedies	145
§1. INTRODUCTION	145
§2. GENERAL RULES ON JUDICIAL JURISDICTION	145
§3. ORIGINAL JURISDICTION OF THE SUPREME COURT OF JUSTICE ON ENVIRONMENTAL CASES	147
§4. FEDERAL JURISDICTION ON ENVIRONMENTAL CONFLICTS	147
§5. THE PROCEDURE BEFORE THE CIVIL COURT	149
I. The Competent Court	149
§6. THE CRIMINAL COURTS	150
I. The Criminal Procedure Code	150
II. Specific Criminal Regulations: Hazardous Waste	152
III. The Competent Court	152
§7. THE ENVIRONMENTAL STATUTORY PROTECTION ACTION	153
Index	155