**1- Título:** Civil liability regime for damage caused to the environment under Spanish Law

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**4- Resumen:**

The protection of the environment has traditionally been articulated through Public Law, and specifically, in the area of Administrative Law and Criminal Law. However, it must be borne in mind that damage caused to the environment can affect private rights and interests, and in these cases, it seems logical that the individual can go to civil jurisdiction to claim for damages suffered as a result of environmental deterioration. In fact, this has been expressly recognised by the Spanish Supreme Court since its important Judgment of 3 December 1987, in which it established a doctrine that would later be followed by other judgments (e.g. STS of 14 March 2005). The appropriate mechanism for this will be the filing of a civil liability claim, which may be contractual (when there is some type of legal relationship between the person causing the pollution and the person suffering from it) or extracontractual (otherwise).

The purpose of my paper is to address the different problems that emerge to determine civil liability for damage caused to the environment in the Spanish legal system. In fact, many questions arise:

First of all, one has to ask whether it is necessary that there be guilt on the part of the subject who emits the damage. If so, it should be concluded that, when a person takes all the protective measures required by the law and a damage is nevertheless caused, he will not be liable for it. On the other hand, if we interpret that liability emerges without the need for fault or negligence, the person causing the damage will be liable for it even if he has strictly complied with the law. Spanish jurisprudence seems to favour the latter option, although it is not an issue that is exempt from discussion.

Another doubt that arises relates to the active legitimacy to bring a civil liability action. In this regard, there is no doubt that it can be brought by the victim of the damage, and it has also been admitted that it can be brought by an association that represents the victim. However, the possibility of bringing a popular action has been denied, that is to say, it is not allowed for a person whose legal assets have not been directly injured to bring an action. Once again, this is an issue that is creating some controversy.

It may also happen that the damage is caused by more than one person, in which case the degree of liability of each will have to be determined. The Civil Code does not provide any criteria for this, so it has been the jurisprudence that has been proposing some.

These and other issues will be discussed in detail in my paper.

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**6- Palabras clave:** Environment, civil liability, Spanish Law