

EUTOPIA Certificate of Internationalisation 2022
Reflective Portfolio by Daniela Ochoa Pesántez
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Cover Letter

My name is Daniela Ochoa. I decided to apply for the EUTOPIA Certificate of Internationalisation, because it is a great opportunity for doing networking, exchanging thoughts and meeting new people to discuss international perspectives on overcoming global and local challenges, as well as looking for new opportunities in the future.

To start with, by attending all the seminars given by all the tutors I think I have been able to learn and deepen very well what we should understand by cross-cultural (intercultural), cross-sector (intersectoral) and challenge-based capabilities. I will demonstrate and reflect on these aspects below by describing the academic and non-academic activities that I have carried out as a person and as a professional up to the present time.

I have completed my PhD degree in the area of Environmental Law (2018) with the Cum Laude mention at the Pompeu Fabra University (Barcelona-Spain). I was also awarded the prize for the best thesis in planetary well-being. The PhD was previously accompanied with a Master (LLM) in International Advanced Law (2013), by the same University. Also, I have a degree in Law (equivalent to BSc MSc) by the University of Azuay (Cuenca-Ecuador, 2007) and another Master degree (LLM) in Legal Advice for Companies (2010) by the same university with a special collaboration of University of Valencia (Spain). I speak Spanish, English, French, Italian and Catalan.

My PhD thesis (The Ecological Damage, an analysis of the Chevron-Texaco case) describes and studies the European and Spanish community regulations related to environmental liability, as well as comparative legislation (especially the American statutes) focused on the analysis of the judgment pronounced by the Ecuadorian Provincial Court of Sucumbíos against one of the largest oil companies in the United States, Chevron-Texaco.

It was a catastrophic case known worldwide, prompted by the oil extraction activity in the Ecuadorian Amazonia (1964-1990). The scope of my work was to demonstrate that the civil legal mechanism (tort liability) used by the Court to resolve the case was insufficient, because it is limited to the damages produced against people and achieves reparation only through pecuniary compensation. Meanwhile, in the European legal system (particularly in Spain) - inspired by CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) from USA - the regimen used for repairing this kind of action is environmental liability, focused only on the environmental damages.

However, the damages occasioned were over both people (indigenous communities, even affecting humanity itself) and Nature (mainly biodiversity and land). Therefore, the use of environmental liability should have included protection for both, as happens in the USA with the OPA statute (Oil Pollution Act).

I have more than 9 years of experience in this field. During my PhD thesis I had the opportunity to visit Baltimore-USA as a visiting researcher, and became a senior research technician in Pompeu Fabra University. I participated in many seminars as a listener, and this allowed me to enrich myself and meet many people at the international level. These were enriching not only because of their disciplinary focus, but also because of their multidisciplinary, interdisciplinarity and transdisciplinarity (and transnationality). I have always been surrounded by great professionals from abroad (Italy, China, United States, France, etc.) with expertise in law and other areas such as humanities, philosophy, etc, trying to bridge the new grassroots challenges, especially climate change, raise awareness and propose solutions among different cultures and languages to reflect on these issues.

After I finished my PhD I contributed the foreword to a book (“Protection of the rights of Nature and healthy environment”), participated in international conferences as speaker, and acted as a blind peer reviewer for international universities. To date, I am the author of several articles (in law magazines, including university blogs) and I am finishing a project within the Environmental Law field related to publishing - this year - a book which will explain environmental damage and strict liability.

Nowadays, I live in Barcelona and work for a German-Swiss law firm as senior legal counsel. In fact, it is an international law firm with international partners and employees from many foreign countries. I am part of the Energy Law Department and my principal role and tasks are concentrated on giving advice in Energy Law to any enterprise (national and international) that carries out activities related to installing solar panels and self-consumption systems, and would like to invest in Spain’s actions to address climate change. In particular, I review the files within the Next Generation EU fund “NGEU” (created for restoring the economy of the European Union member states after the COVID-19 pandemic), to help companies apply for grants to develop self-consumption facilities with renewable energy sources and/or incorporation of storage in such facilities (production, residential and service sectors; new or existing).

Equally, I carry out activities related to the regulations of the electricity sector, specifically preparation of PPAs (Power Purchase Agreements) as well as preparing reports, including legal support in any legal procedure within this framework, such as the preparation of claims or demands against electricity distribution and commercialization companies. Therefore all of the stakeholders are involved and want to achieve climate neutrality in Europe by 2050.

After this explication, I have demonstrated that I have some experience in environmental law, in both levels, national and international, so I am really motivated to be eligible to receive the EUCI certificate. I have demonstrated above that I meet the “glocal” criteria (local and global considerations), achieving the challenge-based learning outcome by reflecting upon local or global challenges from an international perspective. Finally, I have completed learning activities in which I could achieve and develop an intercultural awareness; I have engaged with stakeholders outside academia in addressing one of the most important local and global challenges. I have reflected deeply upon all the required issues (intercultural, intersectoral and challenge-based capabilities) within an internationalisation framework as I have demonstrated in this cover letter.

Reflective Essay

Many years ago, more or less ten years, I left Ecuador, my place of birth. I wanted to strengthen my skills in an academic and non-academic framework with the purpose of being a good lawyer. To accomplish that purpose, I knew I had to leave my comfort zone, because it is the only way to grow up.

Thus, I chose Europe as a place to live and study a master's degree and a PhD according to my professional career. Before travelling, I studied as many foreign languages as I could, and at once I achieved all the accreditation certificates in English (TOEFL), French (DELF B2) and Italian (PLIDA B2). It took me a long time, more than four years of training.

Nowadays, I am living in Barcelona, since 2012. However, my adventurous life started before, when I decided in 2009 to travel to France. It was my first experience abroad and alone. I lived over there for 4 months (from June to October) mainly because I wanted to improve my French. In fact, I studied an intensive French course in the Alliance Française institute (spending 20 hours per week) during the summer. I lived with a host family and each day in spite of daily classes I had many cultural activities to accomplish with my classmates (visiting museums, traveling around France and visiting the most famous palaces, etc.).

In 2012, I decided to move to London during the summer to attend an intensive English course for one month (15 hours weekly) in the Oxford House College. In addition, I went on cultural visits near to London (Cambridge, Oxford, Stonehenge, etc.) where I could learn and improve my English too. I have to confess that all of the monuments and museums surprised me a lot. All of them are iconic and gather a lot of history, for instance: Buckingham Palace, the Palace of Westminster, Kensington Palace, St. Paul's Cathedral, Big Ben, the London Eye, the British Museum, Hyde Park, etc. I have to add that I had the opportunity to enjoy the Olympic Games that happened while I was over there.

Both experiences, in France and London, were extremely good, and they changed my life and my mind. In particular, I could get the chance to open my mind and my soul, and be connected, and discover myself. Indeed, traveling breaks stereotypes and makes you feel free. I admit that at the beginning it was very difficult to speak a different language than my native language, even though I had learned it before. However, practicing every day helped me to break down the fear and shame and achieve a good communication.

Definitely, study abroad also gave me the opportunity to meet many people from different countries around the world (China, Japan, Italy, Belgium, Russia, Spain, etc.) and share with them many outdoor experiences. Certainly, the condition of being alone brought us closer and it allowed us to be open to sharing new experiences. I had extremely good moments. I learned a lot from all my friends (words, traditions, expressions, new cooking recipes, tasting different flavours, etc.), but the most important thing is that despite no longer being together or talking every day to each other, we are still friends.

Accordingly with this adventure, while I was in London I was accepted by the Pompeu Fabra University, in Barcelona, to do a Master in Law (M.LL.). I completed it in one year of full time study. After I finished this, immediately I started my PhD in Environmental Law. However, first I had to give up to my job in an Ecuadorian company dedicated to the generation of energy from renewable sources. It was my first job as a lawyer and I had even obtained a promotion. For that reason, it was a hard decision because I was working there about five years.

Fortunately, I was awarded a scholarship which allow me to work in some research projects and work for the University as research technician. The PhD - without any doubt - was a pretty hard work-experience. I had to research, for five years, everything related to environmental damage in one of the biggest legal cases to do with oil pollution that happened in the Amazonia of my country, because of the oil extraction that the Chevron-Texaco company carried out. I worked hard, spending more than ten hours per day or even more during the last year (almost fifteen hours daily).

During the PhD program I attended several seminars, especially those related with strict liability, Tort Law, state patrimonial liability, etc. It was an excellent way to enrich my knowledge about other branches of Law and exchange ways of interpreting the law. In addition, it provided me the possibility to network with many remarkable teachers from other universities (Harvard University, University of Texas, NYU, University of Trento, etc.) who came out to bring us in contact with a deep legal knowledge.

When I finished my PhD, my personal and professional purpose was to stay in Europe. Thus, while I was applying for jobs I took part in some research projects, writing innovative policy proposals, the prologue for a book related to Water Law, legal articles (Indret) and blogs. Likewise, I was invited to be a blind peer reviewer of other legal texts for some universities (for instance, Pompeu Fabra University and San Francisco University). Furthermore, I participated as a speaker giving free conferences about environmental damage at the national and international level.

In my writings and conferences, I principally analyzed and presented the exorbitant damages produced one of the largest oil companies in the United States, “the Chevron-Texaco case”. It is a catastrophic event known worldwide, prompted by the operation of extractive oil activity, which took place in the soil of the Ecuadorian Amazonia (1964-1990). The most controversial point is that it in fact had a negative repercussion not only on the environment, but also with respect to the inhabitants (indigenous communities), affecting even humanity itself. The “suitable” legal mechanism to which the Ecuadorian Court appealed to resolve the case was the non-contractual civil responsibility. However, the main characteristic of this mechanism is to obtain a pecuniary compensation for the damage, and the conduct that damaged the environment results in a responsibility that differs from the civil one (foreseen in the implementation of environmental responsibility by European Community legal order and Spanish legal order).

Therefore, I tried to clarify whether this “pure ecological damage” could be resolved in accordance with the environmental liability laws prescribed by European Community and Spanish legislation, in harmony with the basic principles of Environmental Law. Mainly, those of “Prevention” and “Who pollutes pays”.

After I finished this, I managed to find a job in Barcelona. Finally, I was hired on June 17th 2021 by Schalich Dauss, a German-Swiss Law firm. When I started, I was totally surprised by the multicultural and international component I could find in each department. All of the employees come from different cities and most of them speak many foreign languages, including Spanish, Catalan, English, German or Russian.

The principal scope of the firm is giving advice in Energy Law to any enterprise that would like to invest in Spain's initiatives to address climate change. I am part of the Energy Law department as senior legal council and my principal role is to focus on providing legal advice to national and international companies that carry out activities related to self-consumption. In particular, the reviewing of the files within the Next Generation EU's programmes to obtain grants for develop self-consumption facilities with renewable energy sources and/or incorporation of storage in such facilities (production, residential and service sectors; new or existing).

Equally, I carry out activities related to the regulations of the electricity sector, specifically preparation of PPAs (Power Purchase Agreements) as well as preparing reports, including legal support in any legal procedure within this framework, such as the preparation of claims or demands against the electricity distribution and commercialization companies.

The European Next Generation fund ("NGEU") is the economic mechanism that has been created with the aim of restoring the growth potential of the European Union economies, promoting job creation after the crisis generated by the COVID-19 pandemic and promoting sustainable growth to achieve climate neutrality in Europe by 2050 and accelerate the digital transformation of the economy.

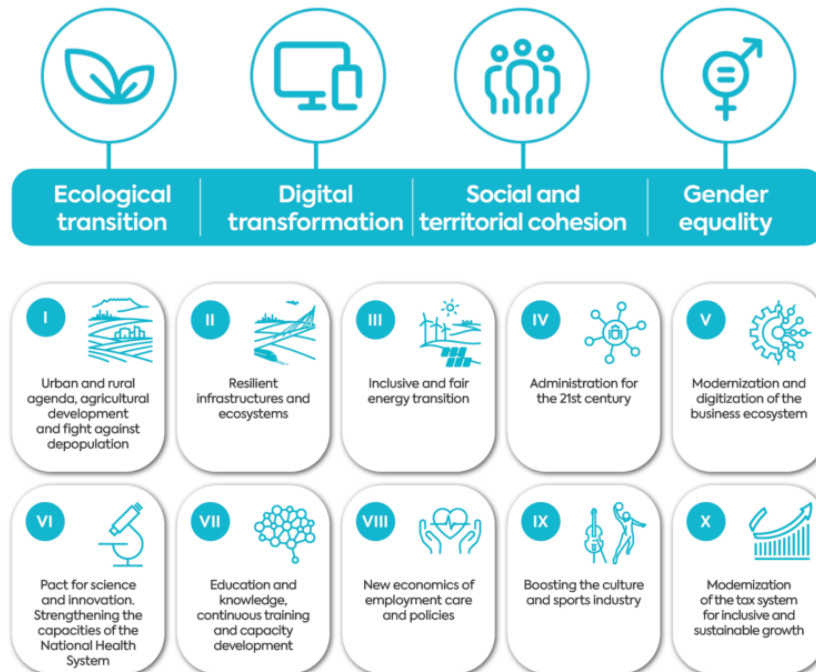
The NGEU have allowed the European Commission to borrow up to 750,000 billion euros on behalf of the European Union and the two largest instruments that have been created to manage these funds are called: the Mechanism for Recovery and Resilience ("RRM") and the Recovery Assistance for Cohesion and the Territories of Europe ("React-EU").

The NGEU funds are distributed to the different member states (among them, Spain), but in order to qualify for RRM, member States must submit their national recovery and resilience plans and send these to Brussels for the approval of the Council of Ministers.

In this context, Spain stood out within the European Union and was an example to follow for the other member states. Spain occupies the first position as a recipient country of the NGEU funds, which are mainly intended for the self-employed, companies and corporations and will be distributed through the Strategic Projects for Economic Recovery and Transformation ("SPERT" or in Spanish "PERTES"), contracts through tenders and subsidies or financial grants.

The NGEU funds are materialized through the General State Budgets, once the European Commission approves the Spanish Recovery, Transformation and Resilience Plan (RTRP). The General State Administration transfers the funds to the Autonomous Communities and Local Entities through agreements and subsidies, which must be associated to the public policies of one of the four priority axes promoted by the

European Union (digital transformation, ecological transition, social and territorial cohesion and equality). These are inspired by the Agenda for Change, in the 2030 Agenda and the UN Sustainable Development Goals, based on four cross-cutting axes or guidelines, as follows:



All of these axes are an integral part of the Spanish RTRP. It has assembled 10 policies with 30 lines of action or projects that will focus on a specific challenge or objective with the goals, results, number of beneficiaries and the detailed cost of each element well defined.



I work especially with policy III linked to energy transition. It has several components (within of the 30 lines of action), but three of them are present of my day-to-day work:

- Renewable energy implementation and integration.
- Electrical infrastructures, promotion of smart networks and deployment of flexibility and storage.
- Renewable hydrogen roadmap and sectoral integration.

In Spain there are a large number of state laws and Autonomous Communities' laws through which the calls for proposals have been published in order to support any person or company who wishes to develop this type of activity in the energy sector. I have to study all of them and keep an eye out for any publications on the subject, or any reforms that could happen, because each call is different. It depends on the Autonomous Community; each one has its own budget and defines its own conditions.

For the reasons stated above, the clients need to be informed of the deadlines, amounts and conditions required to apply for and be eligible to receive the grants, and I must be alert to any changes and relevant information to be provided to them.

All that remains for me to say is that my professional journey has taken me around the globe and I feel very happy to be part of this legal team and learn from all of them. I am very pleased to be working together with these people, and to be promoting sustainability and combatting climate change, all for the benefit of future generations.