



Access to Justice in Environmental Matters

Workshop for judges and prosecutors

Budapest, 4-6 December 2024



With the support of the European Union, project “Cooperation with National Judges in the Field of Environmental Law”

I. Speakers' contributions

Alessandro Andronio
• CV • Preliminary reference procedure for interpretation and validity in the context of EU judicial protection in environmental cases • Case study on the role of a judge when dealing with environmental cases at the national level – preliminary ruling
Georgina Kiss
• CV • Effective remedies – obligation of a national judge • Litigation costs and time limits of the procedures

Klaus Lernhart
• CV • Case study on judicial review and effective remedies – focus on the Environmental Impact Assessment (EIA) Directive
Peter Vajda
• CV • Case study on legal standing – Focus on industrial emissions • Access to justice in specific EU environmental law instruments
Vojtěch Vomáčka
• CV • Right to bring a legal challenge (legal standing)
Danilo Auricchio
• CV • Access to justice on environmental matters and the Aarhus Convention • EU environmental law and the Aarhus Convention

II. Background Documentation

Note: The following documents are "clickable" hyperlinks.

A. EU Treaties

1.	Treaty on European Union (consolidated version) 7 June 2016, OJ C202/01
2.	Treaty on the Functioning of the European Union (consolidated version), 7 June 2016, OJ C202/01
3.	Charter of Fundamental Rights of the European Union (2016/C 202/02)

B. EU Legislation

B1. General Framework

4.	Regulation (EU) 2021/1767 of the European Parliament and of the Council of 6 October 2021 amending Regulation (EC) No 1367/2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies
5.	Regulation (EC) No 1367/2006 (consolidated version) of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Union institutions and bodies
6.	Directive 2004/35/CE (consolidated version) of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (Environmental Liability Directive - ELD)
7.	Directive 2003/35/EC (consolidated version) of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC
8.	Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC
9.	Council Decision 2005/370/EC on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters, 17 February 2005
10.	Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental, 25 June 1998 (Aarhus Convention)

B2. Access to justice in specific EU environmental law instruments

11.	Directive 2011/92/EU (consolidated version) of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification) (Text with EEA relevance) (EIA Directive)
12.	Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive)
13.	Directive 2010/75/EU (consolidated version) of the European Parliament and of the Council of 24 November 2010 on industrial and livestock rearing emissions (integrated pollution prevention and control) (Recast) (Text with EEA relevance) (Industrial Emissions Directive)
14.	Directive (EU) 2016/2284 (consolidated version) of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC

C. CJEU Case Law

15.	C-129/24, Reference for a preliminary ruling from High Court (Ireland) made on 16 February 2024, Coillte Cuideachta Ghníomhaíochta Ainmnithe v Commissioner for Environmental Information (pending)
16.	T-345/22, Judgement of the Court (Third Chamber) of 17 April 2024, Stöttingfjällets Miljöskyddsförening v Commission
17.	C-252/22, Judgement of the Court (Fourth Chamber) of 11 January 2024, Societatea Civilă Profesională de Avocați Plopeanu & Ionescu
18.	C-166/22, Judgement of the Court (Seventh Chamber) of 6 July 2023, Hellfire Massy Residents Association
19.	C-575/21, Judgement of the Court (Second Chamber) of 25 May 2023, WertInvest Hotelbetriebs GmbH v Magistrat der Stadt Wien

20.	C-432/21, Judgement of the Court (Second Chamber) of 2 March 2023, Commission v Poland () and bonne pratique forestières)
21.	C-873/19, Judgement of the Court (Grand Chamber) of 8 November 2022, Deutsche Umwelthilfe eV v Bundesrepublik Deutschland
22.	C-470/19 Judgement of the Court (First Chamber) of 15 April 2021, Friends of the Irish Environment Ltd v Commissioner for Environmental Information
23.	T-9/19, Judgement of the General Court (Second Chamber, Extended Composition) of 27 January 2021, ClientEarth v European Investment Bank (EIB)
24.	C-826/18, Judgement of the Court (First Chamber) of 14 January 2021, LB, Stichting Varkens in Nood and Others v College van burgemeester en wethouders van de gemeente Echt-Susteren
25.	C-535/18, Judgement of the Court (First Chamber) of 28 May 2020, IL and Others v Land Nordrhein-Westfalen
26.	C-752/18, Judgement of the Court (Grand Chamber) of 19 December 2019, Deutsche Umwelthilfe eV v Freistaat Bayern
27.	C-280/18, Judgement of the Court (First Chamber) of 7 November 2019, Alain Flausch and Others v Ypourgos Perivallontos kai Energeias and Others
28.	C-197/18, Judgement of the Court (First Chamber) of 3 October 2019, Wasserleitungsverband Nördliches Burgenland and Others
29.	C-411/17, Judgement of the Court (Grand Chamber) of 29 July 2019, Inter-Environnement Wallonnie ASBL, Bond Beter Leefmilieu Vlaanderen ASBL v Council of Ministers

30.	C-723/17 Judgement of the Court (First Chamber) of 26 June 2019, Lies Craeynest and Others v Brussels Hoofdstedelijk Gewest and Brussels Instituut voor Milieubeheer
31.	C-167/17, Judgement of the Court (First Chamber) of 17 October 2018, Volkmar Klohn v An Bord Pleanála. Request for a preliminary ruling from the Supreme Court
32.	C-470/16, Judgement of the Court (First Chamber) of 15 March 2018, North East Pylon Pressure Campaign Limited and Maura Sheehy v An Bord Pleanála and Others
33.	C-664/15, Judgement of the Court (Second Chamber) of 20 December 2017, Protect Natur-, Arten- und Landschaftsschutz Umweltorganisation v Bezirkshauptmannschaft Gmünd
34.	C-281/16, Judgement of the Court (Fourth Chamber) of 19 October 2017, Vereniging Hoekschewaards Landschap v Staatssecretaris van Economische Zaken. Request for a preliminary ruling from the Raad van State
35.	C-196/16 and C-197/16, Judgement of the Court (First Chamber) of 26 July 2017, Comune di Corridonia
36.	C-60/15 P, Judgement of the Court (Fifth Chamber) of 13 July 2017, Saint-Gobain Glass Deutschland GmbH v European Commission
37.	C-529/15, Judgement of the Court (First Chamber) of 1 June 2017, Gert Folk. Request for a preliminary ruling from the Verwaltungsgerichtshof
38.	C-243/15, Judgement of the Court (Grand Chamber) of 8 November 2016, Lesoochranské zoskupenie VLK v Obvodný úrad Trenčín
39.	C-137/14, Opinion of Advocate General Wathelet of 21 May 2015, and Judgement of the Court (Second Chamber) of 15 October 2015, Commission v Germany

40.	C-570/13, Judgement of the Court (Fifth Chamber) of 16 April 2015, Karoline Gruber v Unabhängiger Verwaltungssenat für Kärnten and Others. Request for a preliminary ruling from the Verwaltungsgerichtshof
41.	C-71/14, Opinion of Advocate General Sharpston of 16 April 2015 and Judgement of the Court (Fifth Chamber) of 6 October 2015, East Sussex County Council v Information Commissioner
42.	C-401/12 P to C-403/12 P, Judgement of the Court (Grand Chamber) of 13 January 2015, Council of the European Union and Others v Vereniging Milieudefensie and Stichting Stop Luchtverontreiniging Utrecht
43.	C-206/13 Judgement of the Court (Tenth Chamber) of 6 March 2014, Siragusa v Regione Sicilia – Soprintendenza Beni Culturali e Ambientali di Palermo
44.	C-530/11, Judgement of the Court (Second Chamber) of 13 February 2014, Commission v United Kingdom
45.	C-72/12, Judgement of the Court (Second Chamber) of 7 November 2013, Gemeinde Altrip and Others v Land Rheinland-Pfalz
46.	C-260/11, Judgement of the Court (Fourth Chamber) of 11 April 2013, Edwards and Pallikaropoulos v Environment Agency and Others
47.	C-416/10, Judgement of the Court (Grand Chamber) of 15 January 2013, Jozef Križan and Others v Slovenská inšpekcia životného prostredia
48.	C-182/10, Judgement of the Court (Fourth Chamber), 16 February 2012, Solvay and Others v Région wallonne
49.	C-204/09, Judgement of the Court (Grand Chamber) of 14 February 2012, Flachglas Torgau GmbH v Bundesrepublik Deutschland
50.	C-128/09 to C-131/09, C-134/09 and C-135/09, Judgement of the Court (Grand Chamber) of 18 October 2011, Boxus and Others

51.	C-115/09, Judgement of the Court (Fourth Chamber) of 12 May 2011, Bund für Umwelt und Naturschutz Deutschland, Landesverband Nordrhein-Westfalen eV v Bezirksregierung Arnsberg
52.	C-240/09, Judgement of the Court (Grand Chamber) of 8 March 2011, Lesoochránárske zoskupenie VLK v Ministerstvo životného prostredia Slovenskej republiky
53.	C-524/09, Judgement of the Court (Fourth Chamber) of 22 December 2010, Ville de Lyon v Caisse des dépôts et consignations
54.	C-263/08, Judgement of the Court (Second Chamber) of 15 October 2009, Djurgården-Lilla Värtans Miljöskyddsförening v Stockholms kommun genom dess marknämnd
55.	C-427/07, Judgement of the Court (Second Chamber) of 16 July 2009, Commission v Ireland
56.	C-321/95 P, Judgement of the Court of 2 April 1998, Stichting Greenpeace Council (Greenpeace International) and Others v Commission of the European Communities
57.	T-585/93, Order of the Court of First Instance (First Chamber) of 9 August 1995, Stichting Greenpeace Council (Greenpeace International) and others v Commission of the European Communities
58.	C-25/62, Judgement of the Court of 15 July 1963, Plaumann & Co. v Commission of the European Economic Community

D. EU Policy Documents: Communications, Decisions and Resolutions of the European Parliament and other relevant documents

59.	eJustice, Factsheets on access to justice in environmental matters informing the public of the applicable rules in each Member State
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60.	Regulation (EU, Euratom) 2024/2019 of the European Parliament and of the Council of 11 April 2024 amending Protocol No 3 on the Statute of the Court of Justice of the European Union (Jurisdiction conferred on the General Court to rule on requests for a preliminary ruling within the system for greenhouse gas emission allowance trading, inter alia)
61.	Decision (EU) 2022/591 of the European Parliament and of the Council of 6 April 2022 on a General Union Environment Action Programme to 2030
62.	European Parliamentary Research Service, Access to justice in environmental matters Amending the Aarhus Regulation, March 2022
63.	European Commission, Political agreement on the Aarhus Regulation: Commission welcomes increased public scrutiny of EU acts related to the environment, 13 July 2021
64.	European Parliament resolution of 24 June 2021 on the proposal for a regulation of the European Parliament and of the Council establishing the framework for achieving climate neutrality and amending Regulation (EU) 2018/1999 (European Climate Law) (COM(2020)0080 – COM(2020)0563 – C9-0077/2020 – 2020/0036(COD))
65.	COM(2020) 643 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Improving access to justice in environmental matters in the EU and its Member States, 14 October 2020
66.	European Commission, Publications Office of the European Union, 'Citizen's Guide to Access to Justice in Environmental Matters', 4 September 2018
67.	COM(2018) 10 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'EU actions to improve environmental compliance and governance', 18 January 2018
68.	C/2017/2616, Commission notice on access to justice in environmental matters, 18 August 2017
69.	European Commission, Factsheet: Access to justice in environmental matters, 2017

E. Other relevant publications and studies

70.	Milieu Consulting, Study on 'Collecting and updating information on public participation and access to justice in environmental matters in the EU Member States in case Member States adopt decisions on state aid', January 2024
71.	ClientEarth, 'How can the law fight climate change?', 15 November 2021
72.	ClientEarth, 'Access to Justice in European Union Law - a legal guide on Access to Justice in environmental matters Edition 2021', 31 March 2021
73.	ClientEarth Communications, 'The European Commission's communication on improving access to justice: Roadmap for action or cover for non-action?', 6 November 2020
74.	ClientEarth, 'Of Munich's Air and Prisons: New Court of Justice Ruling on Effective Remedies', 24 February 2020
75.	Milieu Consulting for DG Environment, Study on EU implementation of the Aarhus Convention in the area of access to justice in environmental matters and Factual summary report on EU implementation of the Aarhus Convention in the area of access to justice in environmental matters, September 2019
76.	Institute for European Environmental Policy: "European Development of an assessment framework on environmental governance in the EU Member States", Final report, May 2019
77.	Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement), 2018
78.	United Nations Economic Commission for Europe, The Aarhus Convention: An Implementation Guide, 2014

79.	European Parliament, Directorate General for Internal Policies – Policy Department C: Citizens’ Rights and Constitutional Affairs, ‘Standing up for Your Right(s) in Europe’, Study PE 462.47, 2012
80.	Jan Darpö, ‘Effective Justice? Synthesis report of the study on the Implementation of Articles 9.3 and 9.4 of the Aarhus Convention in the Member States of the European Union’, 11 November 2012

F. The Aftermath of the Urgenda Case - National Case Law

81.	Declic et al. v. The Romanian Government, Cluj Court of Appeal (pending)
82.	Anton Foley and others v Sweden (Aurora Case), Nacka District Court of Sweden (pending)
83.	FossielVrij NL v. KLM, Amsterdam District Court, 20 March 2024
84.	A Sud Ecologia e Cooperazione Odv ETS v Italy, 14 November 2023
85.	Finnish Association for Nature Conservation and Greenpeace v. Finland, Supreme Administrative Court Finland (pending), 06 July 2023
86.	In re Federal Climate Protection Act Austria, Constitutional Court of Austria, 27 June 2023
87.	Klimatická žaloba ČR v. Czech Republic, Prague Municipal Court, 15 June 2022
88.	Plan B Earth and Others v. Prime Minister, UK High Court of Justice, 21 December 2021
89.	Notre Affaire à Tous and Others v. France, Administrative Court of Paris, 14 October 2021
90.	VZW Klimaatzaak v. Kingdom of Belgium & Others, Brussels Court of First Instance, 17 June 2021

91.	Neubauer, et al. v. Germany, Federal Constitutional Court Germany, 24 May 2021
92.	Commune de Grande-Synthe v. France, Council of State, 7 January 2021
93.	Friends of the Irish Environment v. Ireland, Supreme Court Ireland, 31 July 2020
94.	Supreme Court of the Netherlands, Judgement in the matter between The State of the Netherlands (Ministry of Economic Affairs and Climate Policy) and Stichting Urgenda, 20 December 2019

G. EU Institution and Agencies

95.	European Commission • The Aarhus Convention and the EU • DG Environment • DG Climate Action • DG Justice and Consumers
96.	European Council and Council of the European Union
97.	European Parliament
98.	European Environment Agency (EEA)
99.	Court of Justice of the European Union (CJEU)
100.	Eurojust • Environmental crime
101.	European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL)