

Cooperation with national judges in the field of EU Environmental Law



Trainer's Manual 'Access to Justice in Environmental Matters for judges and prosecutors'



Table of Contents

<i>I. Introduction</i>	<i>4</i>
Objectives.....	4
Structure.....	5
<i>II. Methodology.....</i>	<i>7</i>
Time frame	7
Trainer's profile.....	7
Teaching methods	8
Documents.....	11
<i>III. User's pack: the function of different elements of the training module</i>	<i>13</i>
Introduction.....	13
Blended e-learning	14
Background documentation.....	15
Workshop exercise material	15
Trainer's contributions	16
Additional documents	16
<i>IV. Organising and implementing a workshop: structure, content and methodology</i>	<i>17</i>
<i>Setting the scene</i>	<i>18</i>
<i>Unit 1: Presentation on access to justice in environmental matters and the Aarhus Convention.....</i>	<i>21</i>
<i>Unit 2: Presentation on EU environmental law and the Aarhus Convention</i>	<i>23</i>
<i>Unit 3: Presentation on the right to bring a legal challenge (legal standing) I</i>	<i>25</i>
<i>Unit 4: Presentation on the right to bring a legal challenge (legal standing) II</i>	<i>27</i>
<i>Unit 5: Case study on legal standing – focus on industrial emissions</i>	<i>29</i>
<i>Unit 6: Presentation on the scope and standard of judicial review in EU law.....</i>	<i>31</i>
<i>Unit 7: Presentation on effective remedies and the obligations of a national judge</i>	<i>33</i>

<i>Unit 8: Presentation on litigation costs and time limits of the procedures.....</i>	<i>34</i>
<i>Unit 9: Presentation on access to justice in specific EU environmental law instruments ...</i>	<i>36</i>
<i>Unit 10: Case study on judicial review and effective remedies with a focus on the Environmental Impact Assessment (EIA) Directive</i>	<i>38</i>
<i>Unit 11: Presentation on the preliminary reference procedure for interpretation and validity in the context of EU judicial protection in environmental cases</i>	<i>40</i>
<i>Unit 12: Case study on the role of a judge when dealing with environmental cases at the national level – preliminary ruling</i>	<i>42</i>
<i>Unit 13: Closing session – evaluation of the workshop.....</i>	<i>44</i>
<i>V. Annex I: Template indicative workshop programme.....</i>	<i>46</i>
<i>VI. Annex II: Background material to be contained in the user’s pack</i>	<i>51</i>

I. Introduction

This trainer's manual on the training module about EU legislation on access to justice in environmental matters for judges and prosecutors, is developed by ERA on behalf of the European Commission. It is intended for judicial training institutes, networks of judges, national judges, experts from NGOs, academic experts, trainers, prosecutors, and any other relevant actors and end-users of European Union Member States wishing to organise training sessions on access to justice in environmental matters.

Objectives

The training module is designed for judges and prosecutors who handle environmental issues and already possess general knowledge or specific expertise on the subject. It offers relevant information on the latest developments of the EU environmental law *acquis*, relevant jurisprudence of the Court of Justice of the EU and an in-depth analysis of the topic with a special focus on time limits and costs of procedures. This training module will also assist national judges and prosecutors in the application of relevant EU instruments.

The training module will gather materials to conceive a 2.5 day in-person workshop or an online workshop consisting of four half-day sessions. The objective is to enhance the understanding of essential legal aspects relating to access to justice in environmental matters. The key topics to be covered are:

- Comprehensive analysis of the Aarhus Convention
- EU environmental law and the Aarhus Convention
- Legal standing: Categories and conditions under EU law
- Judicial review: Grounds, intensity, and CJEU case law
- Effective remedies
- Access to justice in specific EU environmental law instruments
- Preliminary reference
- CJEU case law
- Various case studies

Upon completion of this training on 'Access to Justice in Environmental Matters', participants will have deepened their knowledge of EU instruments. This training also provides an opportunity for participants to develop a better understanding of the legal aspects of EU legislation on access to justice and the implementation of EU instruments, enabling participants to effectively apply this EU legislation as transposed into their respective national laws. The training

also is an excellent opportunity to exchange views with colleagues from other jurisdictions on implementation practices in their respective Member States.

Structure

The module on “Access to Justice in Environmental Matters” consists of 12 interrelated but self-standing learning units. These units can be combined into an implementing workshop depending on the prior knowledge of participants, the time available and the specific training approach.

The different training methods that can be used in future workshops based on this material are also presented in the module, together with recommendations on how and in which part of the training they can best be used. Face-to-face presentations can also be combined with practical exercises that require active engagement of participants, IT-supported learning that allows participants to familiarise themselves with available tools, and interactive sessions that promote the exchange of good practices and experiences.

Setting the scene

- Unit 1: Presentation on Access to justice in environmental matters and the Aarhus Convention

The Aarhus Requirements and EU law

- Unit 2: Presentation on EU environmental law and the Aarhus Convention
- Unit 3: Presentation on the right to bring a legal challenge (legal standing) I
- Unit 4: Presentation on the right to bring a legal challenge (legal standing) II
- Unit 5: Case study on legal standing – focus on industrial emissions
- Unit 6: Presentation on the scope and standard of judicial review in EU law
- Unit 7: Presentation on effective remedies and the obligations of a national judge
- Unit 8: Presentation on litigation costs and time limits of the procedures
- Unit 9: Presentation on access to justice in specific EU environmental law instruments
- Unit 10: Case study on judicial review and effective remedies with a focus on the Environmental Impact Assessment (EIA) Directive

Enforcement at national level

- Unit 11: Presentation on the preliminary reference procedure for interpretation and validity in the context of EU judicial protection in environmental cases
- Unit 12: Case study on the role of a judge when dealing with environmental cases at the national level – preliminary ruling
- Unit 13: Closing session – evaluation of the workshop

II. Methodology

Time frame

The workshop lasts 2.5 days in its face-to-face format could be divided in four half-day sessions if an online format is preferred. The exact structure and length can vary according to the participants and the training providers' needs.

When deciding on sub-sessions and time allocation, providers must take into account the need to cover all relevant topics while also allowing time for questions and for interaction between trainers and participants as well as among participants themselves. Long sessions have proven to be less effective in adult training. For this reason, changes in teaching methods (presentation, case studies, discussion) and frequent breaks are recommended.

➤ An indicative time allocation for each unit will be provided in Part IV of this trainer's manual.

Trainer's profile

The selection of trainers is crucial to ensure a successful outcome. Trainers with a professional background common to that of the participants tend to have a better understanding of their training needs and address them more effectively. For this reason, the composition of the target group should be considered when selecting the trainers of a workshop.

It is important to identify the right trainer for each unit. In units focused on practical issues, the involvement of a practitioner, lawyer, or judge with experience in the issue is ideal. An academic specialised in access to justice is well suited to present an area of law or deliver an introductory presentation.

➤ More concrete input on the trainer's profile seemingly best fitting to each unit will be provided in Part IV of this trainer's manual.

Beyond professional qualifications, the quality of an implementing workshop depends on the trainer's didactic competencies. Trainers must not only be knowledgeable, but also be able to effectively convey information, assist participants in developing new skills and encourage active engagement. They must be able to provide the necessary information in a clear and structured manner, highlight the links between participants' daily work and issues being discussed, retain some flexibility to adapt to the specific needs and interests of the attendees, and be open and encouraging in discussing and exchanging views with them during the session.

Other skills that potential trainers will ideally possess, and which should be considered, are the trainer's language skills (when workshops are international), and their familiarity with IT products; the use of technology would be required in at least some parts of the training, even if conducted face-to-face (IT-training sessions, use of PowerPoint or other audio-visual material, e-learning course, etc.).

For the successful implementation of the workshop and to better address participants' training needs, some diversity among the trainers is needed. Variety among speakers' professional backgrounds, gender, and geographic balance would enrich the event with a more comprehensive analysis of access to justice in environmental matters.

Finally, a potential trainer's personal motivation is worth considering. For the implementation of a workshop based on the training module, significant flexibility and commitment, as well as the willingness to interact with participants is expected from the trainers. Experts who show a clear interest in the project and are prepared to make the necessary effort for a successful outcome bring added value to the workshop and encourage fruitful exchanges.

Criteria for selecting the workshop trainers:

- Expertise in the subject and objectives of each sub-session
- Didactic competencies
- Language and IT skills
- Professional background similar to that of the workshop's participants
- Diversity in the group of trainers
- Motivation

Teaching methods

Lecture-style presentation

The optimal method for the quick transmission of extensive information is lecture-style presentations, conducted in plenary. This method provides the trainer with the necessary time and flexibility to structure and present the content of the sub-session as s/he sees fit.

Supporting material such as outlines, and PowerPoint or other presentation tools should be employed during the lecture. This enables participants to follow the presentation better, and serves as a reference document for the future, should they wish to review the main issues of the sub-session.

One of the objectives of the workshop is to familiarise participants with existing legislation. In this context, reference to the material included in the user's pack should be made throughout the lecture and participants should be encouraged to go through the legal texts, identify the provisions and acquire a better understanding of their structure and applicability.

Enriching the lecture with practical examples helps to establish a link between theory and practice and better illustrate the application of legal instruments. The use of brief exercises or questions, requiring participants to reflect, discuss and present their answers is encouraged. Through these practical exercises trainers create an atmosphere of dialogue within the group and can assess whether the concepts have been properly explained.

Time for discussion or Q&A sessions should in all cases be planned for participants seeking clarifications or further information. Depending on the content and structure of each lecture, questions may be raised during the presentation or in a subsequent discussion session moderated by the trainer or the workshop leader.

Attendees must be encouraged to actively contribute to different sub-sessions. For this reason, it is important that all participants attending the workshop are comfortable enough to exchange their own experiences and ideas.

Workshop case studies

In addition to information on the EU general aspects and frameworks on environmental law, the training aims at providing participants with practical experience in the particularities of related cases.

To highlight issues requiring special attention and allow participants to develop specific skills, it is important to ensure their involvement in this part of the training. For this reason, specially designed workshop case studies will complement each thematic unit. Another advantage of this method is that the preparation of a case study constitutes an interactive way of learning. After attending face-to-face presentations and reading background material, participants appreciate a change of presentation technique.

- Case studies prepared in working groups

During the workshop exercises, participants will be given the opportunity to use their skills and knowledge to solve case studies related to legal standing, effective remedies, and preliminary reference.

A short introduction of the task shall be given: an outline of the issues to be discussed in groups, the results expected, and the deliverables to be presented during the plenary session which follows the discussions.

Subsequently, participants shall be divided into smaller working groups in different working spaces. Working in smaller groups has significant advantages for participants: the opportunity to focus on case studies will enable them to deepen their recently acquired knowledge by applying it to concrete cases. This simulates a real-life scenario and can offer valuable experience for the future. The working group format would allow each participant to be actively involved in the debate and improve their communication skills.

As one of the key objectives of the exercise is the exchange of opinions among participants, it is important that the training provider allocates participants to the working groups to support this interaction: judges from different courts could be asked to work together, and a balance between the number of judges and prosecutors in each group is also preferable. Further to solving the case, this diversity would allow participants to obtain better insights into how the questions would be dealt with and how the EU legislation involved is applied in another country, by a different legal profession, in a different city or court.

➤ Three case studies are recommended for the workshops implementing this training module. Altering the composition of the working groups in each exercise would be a way to further increase participant interaction.

The trainer shall set time limits for each part of the task during the introductory part of the case study. Depending on the time available, the trainer coordinating each exercise, will decide whether all working groups will deal with all case studies or if specific case studies will be allocated to different groups to ensure that participants are able to thoroughly examine all issues.

Once the working groups have been set up, they shall develop a working method and identify which member(s) of the group will be responsible for reporting the conclusions of their discussion to other participants. The trainer leading the exercise must be present and following the interaction in each group to a certain extent, offering advice on time management, being providing clarifications, answering questions, and being prepared to assist participants if they face major difficulties or if their discussion becomes derailed. If trainers of other subjects of the workshop are present, they may also get involved in discussions of the chosen smaller group for monitoring the discussion and helping on the subject matter.

When all the groups complete their work, participants shall return to the plenary session room to discuss their conclusions. This will allow them to compare their solutions to the features of the case studies, get further ideas from their colleagues in the other groups and broaden their understanding of the subject matter.

To achieve the objectives of this closing discussion, it is important to ensure that all groups take the floor and present the results of their work. In an ideal scenario this would be done one case at a time, inviting the rapporteur of one of the groups to present their conclusions and the main elements of their discussion. Subsequently, other groups will be given the floor to make additional comments, express different opinions etc. In conclusion, the trainer should summarise the main points raised in the discussion and give his/her own feedback, so that participants can confirm whether they successfully dealt with the case or whether there could be further improvement.

- IT-supported learning

IT-supported learning enhances the efficiency of the training and gives participants the opportunity to gain practical experience by making use of the possibilities the internet offers on issues related to environmental law in general. They have the opportunity to become familiar with the various EU websites in the area (such as the E-Justice Portal, Eur-Lex, the Curia website, ECLI etc.), where they can acquire information and advice on how to apply EU instruments covered by the workshop. By efficiently using these websites, participants will actively learn how to find the relevant legal texts and cases and receive assistance on practical problems they may face when applying EU law in this area.

Documents

The provider of the training must provide participants with a 'user's pack' which will include the following:

- blended e-learning material;
- background documentation set;
- workshop programme;
- list of participants;
- list of trainers/ speakers;
- CVs of the trainers;
- speakers' contributions;

- evaluation form.

III. User's pack: the function of different elements of the training module

Introduction

The term 'user's pack' refers to the entirety of the material available to participants of a workshop. This will consist of the blended e-learning material (designed to be complementary to the lectures and discussions), training material (related legal documents, links to online sources of bibliography of legal instruments on the topic on an online link, trainers' contributions and case studies) as well as supporting documents, such as the workshop programme, the list of participants, workshop evaluation forms etc.

It is, of course, at the discretion of the workshop providers and trainers to use the materials provided in the manner they deem most fitting and to also include additional documents where necessary. All key EU legal instruments required for the provision of the training on EU legislation on access to justice in environmental matters are already part of the user's pack, but as implementing workshops may be structured with a specific focus, further material could be of use.

The materials for inclusion in the user's pack can and should be provided mainly in electronic format, for instance by making the content available online and granting all workshop participants access to it. If the workshop is implemented face-to-face, material that needs to be regularly referred to during the workshop or that would make it easier to follow the presentations could be provided in a hardcopy for ease of reference during the workshop:

- workshop programme;
- list of participants;
- list of trainers/ speakers;
- case studies;
- evaluation forms.

- When presenting the material that should accompany each unit, a distinction should be made between 'necessary material' and 'additional material', all to be included in the electronic documentation.

Blended e-learning

The training module has been structured to include 'blended learning' as a methodological approach, given that it combines the interactivity of face-to-face training during the implementing workshops with the flexibility provided by e-learning material. As the e-learning material has different functions and can be used by the workshop participants at several stages of their learning process, it is important that they have access to it on different occasions: before the implementation of the workshop, in order to prepare for it, while it is taking place, in order to make best use of the available material with the help of the trainers, and after the workshop, as a point of reference for finding information on access to justice in environmental matters legislation.

The main function of this e-learning material is to introduce the end-user to legal issues related to different aspects access to justice in environmental matters. These include international legal texts such as the Aarhus Convention, and EU legislation, namely the Aarhus Regulation (2021), specific environmental legislation relating to access to justice, the preliminary reference procedure and finally several CJEU cases.

It will include:

- The main international and EU legal instruments as well as case law that will be analysed during the workshop which participants should go through before they attend the course. The aim is not to replace the workshop sessions on these subjects but to complement them by ensuring that all participants have a common basic level of knowledge before they start and can make the most of the discussion to clarify issues in the workshops.
- A quiz to assess existing knowledge of relevant issues.
- Access to the bibliography of legal instruments and other relevant source material which participants can refer to at any time.
- Access to the remainder of the e-learning version of the training module to be provided after the workshop for participants to use as a refresher and to use with their colleagues alongside the training materials.

Once participants have been selected, they should receive information on how to access the e-learning materials and be encouraged to go through its contents 15-10 days before the implementation of the workshop. In this way, they will have the opportunity to refresh or acquire background knowledge and be prepared for the workshop programme.

Background documentation

Legal texts will make up most of the content of the training materials: international conventions, treaty articles, regulations, directives, case law of the Court of Justice of the European Union etc. A comprehensive collection of all background documents, which can serve as a reference point after the conclusion of the workshop, should be included in the electronic documentation. Participants are likely to come back to these texts to refresh their memory, find a specific provision or judgment, and seek guidance or inspiration if confronted with a case on the subject at a later stage. This format could also support easy further dissemination of this material, which workshop participants could forward to their colleagues if requested.

Links to online databases, tools and sources, such as the e-justice portal, Eur-Lex, Curia, ECLI and other similar websites shall be included as background material in the electronic documentation.

➤ Proposals on which specific material to include in this part of the user's pack are included in Part d) on the analysis of each sub-session of the workshop.

Materials must be provided in the language of the workshop. When international workshops are organised, links to EU databases (such as <http://eur-lex.europa.eu/> or <http://curia.europa.eu/>) could be included so that participants can access EU legal texts in the language of their choice. Their inclusion in the electronic documentation is also recommended. The ability to quickly find a provision, to see the structure of a legal instrument, to take notes, etc. could help participants to better follow the training and to further familiarise themselves with the legal instruments being discussed.

Workshop exercise material

Three workshop exercises are proposed for the workshops implementing the training module on 'Access to justice in environmental matters for judges and prosecutors'. They are structured based on case studies. Preparatory material supporting the workshops' case studies, such as the tasks of the different cases that are to be discussed or additional legal texts that will be needed for solving the cases must be provided for the participants in hardcopy during the workshop.

Trainer's contributions

In addition to the background documents, every time an implementing workshop on “Access to justice in environmental matters for judges and prosecutors” is organised, the trainers involved shall be asked to prepare their own supporting material, in the form of PowerPoint presentations, outlines, notes or full texts of their lectures. Trainers are free to structure the material supporting their presentations as they see fit. The main objective is to help participants follow the presentation and for this reason particular emphasis should be given to the provision of a clear structure.

Trainers may also be advised to prepare a well-judged number of slides, leaving some time for a Q&A session during the presentation or if an unplanned discussion occurs.

The trainers' contributions could also be used as a reference document for identifying the main points of the subject matter.

Trainers' contributions shall be included in the user's pack and in the online documentation folder.

➤ Providing written support of the lectures is always recommended and for this reason always mentioned under 'necessary documents'. Especially an outline of the PowerPoint presentation reflecting the structure of the sub-session allows participants to better understand the structure and follow the lecture.

Additional documents

Further to the training material, several documents supporting the organisation of the workshop must be made available to participants. These would be of immediate and continuous use during the workshop and should therefore be provided in hardcopy.

The finalised workshop programme must be provided at the beginning of the training, to allow participants to plan accordingly and better understand the training flow. A list of all workshop participants should be provided, facilitating the interaction between participants attending the workshop. Moreover, by including certain contact details (professional position and postal address) participants are given the opportunity to maintain in contact even after the conclusion of the workshop. Finally, to achieve an immediate evaluation of the workshop, a questionnaire seeking participants' feedback on the workshop content, organisational features and overall effectiveness shall be distributed.

IV. Organising and implementing a workshop: structure, content and methodology

A structure based on thematic units is proposed for this workshop. Each thematic unit will focus on a specific topic of EU law in this area. Each implementing workshop will thus consist of several units, ensuring the alternation of theoretical and practical elements. The final structure, however, must be decided by taking into consideration participants' prior knowledge and training needs.

Setting the scene

- Unit 1: Presentation on Access to justice in environmental matters and the Aarhus Convention

The Aarhus Requirements and EU law

- Unit 2: Presentation on EU environmental law and the Aarhus Convention
- Unit 3: Presentation on the right to bring a legal challenge (legal standing) I
- Unit 4: Presentation on the right to bring a legal challenge (legal standing) II
- Unit 5: Case study on legal standing – focus on industrial emissions
- Unit 6: Presentation on the scope and standard of judicial review in EU law
- Unit 7: Presentation on effective remedies and the obligations of a national judge
- Unit 8: Presentation on litigation costs and time limits of the procedures
- Unit 9: Presentation on access to justice in specific EU environmental law instruments
- Unit 10: Case study on judicial review and effective remedies with a focus on the Environmental Impact Assessment (EIA) Directive

Enforcement at national level

- Unit 11: Presentation on the preliminary reference procedure for interpretation and validity in the context of EU judicial protection in environmental cases
- Unit 12: Case study on the role of a judge when dealing with environmental cases at the national level – preliminary ruling
- Unit 13: Closing session – evaluation of the workshop

Setting the scene

Short description of the contents

The workshop always starts by welcoming the participants and providing a brief introduction and explanation of the content of the programme, organisation and implementation of the workshop.

General objectives

The main objective of this first session is to welcome trainers and participants to the workshop, to set the scene by reminding them of the framework of the training course and to encourage their interaction and active participation in the course.

Specific learning points

Introduction of organisers of the workshop

The welcoming session shall be used to introduce the training manager of the workshop, who is responsible for the successful implementation of the content of the programme, chairing of presentations, managing of the questions and answers sessions, arranging and implementing of the practical exercises, and dealing with *ad hoc* issues during the whole workshop. The training manager may be assisted by a judicial training advisor of the workshop who ideally is an expert on the topic (a judge, a legal practitioner or an academic) and is usually involved in preparation of the workshop material from the very beginning (setting the structure of the programme, arranging the content of each presentation as well as of practical exercise to be covered, checking all the prepared presentations to make sure that the material is not duplicated and helping in implementing a workshop, if needed).

Introduction of participants and trainers

During the opening session, participants must introduce themselves, present their national and professional background, and share their expectations for the workshop. In this way, participants will become familiar with the group, which will facilitate active participation in the sessions. Making trainers and participants aware of the nationalities and professional groups represented in the workshop can be of great relevance in the discussion and an asset in ensuring effective exchange of experiences. Presentation of the participants' backgrounds and expectations can help tailor the programme to meet participants' needs, by emphasising certain aspects, adjusting the time allocated in the different sub-sessions, etc.

- This may be achieved by inviting participants to ask a key question they expect to see addressed during the workshop or to indicate which element made them apply for the workshop.

Presentation of the workshop's programme

The workshop shall include, at the beginning, a presentation of the programme, scope, and objectives. The focus of each unit will be indicated and the expected contribution of the participants in each part of the programme emphasised. It is important that end users realise the goal of each unit and the flow of the workshop programme. This enables them to easily follow discussions and seize opportunities to raise questions.

Presentation of the training material

The opening session also offers an opportunity to present the material included in the user's pack and explain its function, to encourage participants to benefit from it during the workshop. The content of the electronic documentation should be outlined (all related legal texts, links to online sources, suggested solutions to the case studies, etc.) and explanations should be provided on the documents.

Presentation of the workshop's organisational aspects

The logistics of the workshop will be presented. The locations that will be used during the workshop for the different sessions, the exercises and the lunch and coffee breaks will be indicated. Additionally, the possibility to use computers, Wi-Fi, a library, a business station etc. will be indicated and information on the lunches organised and dinners will be provided. It is important here, to ensure that end users are reminded of and able to benefit from all measures taken to facilitate their participation in the workshop, as well as of the importance of the joint activities in allowing a less formal interaction among trainers and fellow participants.

Methodology

While participants are in plenary; everyone is invited to introduce themselves. The programme of the workshop will be presented by the training manager of the workshop.

After welcoming participants and trainers to the workshop, they will be given the opportunity to introduce themselves and express their expectations regarding the workshop. This will improve the atmosphere of the workshop from the very beginning, which is a key element for its success. Participants are more likely to be active during the event if they know their colleagues' backgrounds.

Furthermore, the outline and main objectives of the workshop will be presented. This introduction will contain information on both the programme and the logistics (e.g. which rooms will be available for the participants during the workshop, library, availability of computers and Wi-Fi, coffee breaks and meals, evening programme). An 'ice-breaking' exercise may also be proposed by the manager of the workshop.

Time frame

The time allocated to the opening session depends on the number of participants attending the workshop. Considering that the workshop should ideally have 20 to 30 participants, the opening session should last approximately 30 minutes, to ensure sufficient time for all trainers and participants to present themselves, and for the provision of all necessary information on the event.

Documentation

Necessary material:

01	Final version of the workshop programme
02	List of trainers
03	Trainers' CVs
04	List of participants

The training manager shall demonstrate the entire user's pack in this unit, including the electronic documentation, to inform participants of all the different features of the pack.

Trainer's profile

The opening session will be held in plenary and coordinated by the training manager, the person responsible for ensuring the coherent management of the workshop, or the judicial training advisor. There could be an added value in assigning the role of the 'workshop manager' to the person responsible for the organisation of the workshop. S/he would be most suitable to present the programme's structure and main objectives, having made all related decisions and given priority to specific features of the training over others.

Unit 1: Presentation on access to justice in environmental matters and the Aarhus Convention

Short description of content and general objectives

The aim of this unit is to provide a concise and comprehensive overview of the multiple impacts of access to justice at international and EU level. Participants will explore the environmental, economic, social and criminal impacts of these activities. The presentation will include insights on the Aarhus Convention, its main structure and objectives. It will highlight the function of the Aarhus compliance mechanism and the three-pillar structure.

Specific learning points

- Aarhus convention
- The three-pillar structure
- The Aarhus compliance mechanism

Methodology

This unit can take the form of a presentation in plenary session, either in person or online. There must be sufficient time left for participants to raise questions or discuss any unclear points and to contribute with their own experience, especially related to the legal applications of such technical aspects.

Time frame

The time allocated to this unit should be approximately 45 minutes for presentation and 15 minutes more for comments and discussion. In the online format, it is worth considering shortening the presentation to a total of 45 minutes or splitting the content into 2 30-minute presentations.

Documentation

Necessary material:

PowerPoint Presentation: 'The Aarhus convention and access to justice in environmental matters'

Additional material (to be included in the electronic documentation):

	EU legislation
--	----------------

1.	<u>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</u>
2.	<u>Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental, 25 June 1998 (Aarhus Convention)</u>

Trainer's profile

The ideal speaker has legal knowledge and expertise in access to justice in environmental matters. An EU official working on the subject, an EU or national judge or a member of the Aarhus Compliance Committee would be very good options for this unit.

Unit 2: Presentation on EU environmental law and the Aarhus Convention

Short description of content and general objectives

This unit aims to explain the key components of EU law relating to access to justice in environmental matters. The presentation will highlight the regulatory framework and the Commission Notice on access to justice in environmental matters. It will set a solid base for the participants to understand the EU access to justice field.

Specific learning points

- Status of the Aarhus Convention in Europe
- Direct effect of the Regulation 2021/1767
- Commission Notice on Access to Justice in Environmental Matters

Methodology

This unit should be conducted as a lecture-style presentation in plenary session, either online or in person, encouraging questions and discussion.

Time frame

The time allocated to this unit should be around 45 minutes for the presentation, with additional 15 minutes for questions and discussion. In the online format, it is worth considering shortening the unit to a total of 45 minutes.

Documentation

Necessary material:

01	PowerPoint Presentation: "EU environmental law and the Aarhus Convention"
02	<u>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</u>
04	<u>C/2017/2616, Commission notice on access to justice in environmental matters, 18 August 2017</u>

05	<u>European Commission, Factsheet: Access to justice in environmental matters, 2017</u>
----	---

Trainer's profile

The ideal speaker is someone with knowledge of the practical application of the legal texts in question, whether from the judicial or academic world specialised in access to justice in environmental matters.

Unit 3: Presentation on the right to bring a legal challenge (legal standing) I

Short description of content and general objectives

This unit is designed to provide a comprehensive understanding of the legal issues around legal standing in the EU. It will cover aspects of national, EU access to justice, Article 47 CFR, EIA, IED, as well as international law, namely the Aarhus Convention and the European Convention on Human Rights. Through concrete examples of case law this unit aims at highlighting the main requirements that Member States must lay down to ensure fairness in accessing judicial proceedings before their national courts.

Specific learning points

- Categories of legal standing rights
- Locus standing for ENGOs
- Principle of primacy of EU law
- CJEU case law

Methodology

This unit should be conducted as a lecture-style presentation in plenary session, either online or in person, encouraging questions and discussion.

Time frame

The time allocated to this unit should be around 45 minutes for the presentation, with additional 30 minutes for questions, discussion and quiz. In the online format the presentation can be shortened.

Documentation

Necessary material:

PowerPoint Presentation: "The right to bring a legal challenge I"

Additional material (to be included in the electronic documentation):

European legislation and documents

01	<u>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</u>
02	<u>C/2017/2616, Commission notice on access to justice in environmental matters, 18 August 2017</u>
03	<u>European Commission, Factsheet: Access to justice in environmental matters, 2017</u>

Trainer's profile

The ideal speaker is a professional or academic with expertise in access to justice. The speaker must be knowledgeable and keen on researching to cover this complex and broad topic.

Unit 4: Presentation on the right to bring a legal challenge (legal standing) II

Short description of content and general objectives

Through a step-by-step guide into the CJEU's landmark cases concerning access to justice in environmental matters, this unit aims to cover different aspects of litigation in the field of environmental protection in the wider sense. Emphasis will be placed on selected case law on air pollution, water and on the components of the right to bring a legal challenge (damages, timeliness, compensation, material measures ordered by the Court).

Specific learning points

- Legal standing under substantive EU environmental law
- Conditions of legal standing
- Judicial review of plans and programmes

Methodology

This unit should be conducted as a lecture-style presentation in plenary session, either online or in person, encouraging questions and discussion.

Time frame

This presentation will last 45 minutes with an additional 15 minutes left for questions and exchanges. In the online format the presentation can be shortened.

Documentation

Necessary material:

01	PowerPoint presentation: 'Right to bring a legal challenge II'
----	--

Additional material (to be included in the electronic documentation):

01	<u>Case C-237/07, Judgment of the Court (Second Chamber), Dieter Janecek v Freistaat Bayern, 25 July 2008.</u>
02	<u>C-535/18, Judgement of the Court (First Chamber) of 28 May 2020, IL and Others v Land Nordrhein-Westfalen</u>

03	<u>C-197/18, Judgement of the Court (First Chamber) of 3 October 2019, Wasser- leitungsverband Nördliches Burgenland and Others</u>
04	<u>C-252/22, Judgement of the Court (Fourth Chamber) of 11 January 2024, Socie- tatea Civilă Profesională de Avocați Ploeanu & Ionescu</u>
05	<u>Case C-404/13, ClientEarth v The Secretary of State for the Environment, Food and Rural Affairs, 19 November 2014</u>

Trainer profile

The same trainer as above could be assigned to cover this unit to avoid overlaps and cover all necessary issues.

Unit 5: Case study on legal standing – focus on industrial emissions

Short description of content and general objectives

The objective of this unit is for participants to engage with a real-life scenario that raises questions of access to justice. The approach can differ, but this guide can offer an idea on how to structure the case study. There will be an operator causing environmental damage or infringing environmental legislation potentially in the vicinity of a city or town. The questions that could arise from this scenario concern the responsible authority, the right of residents to bring a legal action, and their right to report to the authority. Additionally, the scenario can play with different types of plots, health risks, an operator with or without a permit, and who is in breach of limits of emissions set in legislation. The aim will be to ask questions that lead participants to examine how these variables influence the right to bring a legal challenge.

Methodology

This unit should consist of a brief explanation of the facts followed by division of participants into groups in order to exchange their views on the different aspects of the case. After this exchange, the trainer will ask the groups to assign a person who will present their discussion to the group. Finally, the trainer will indicate the main points of discussion for each question and make reference to the applicable provisions and case law.

Time frame

The time allocated to this unit should be around 15 minutes for the presentation, with 45 minutes for discussion among participants in the groups and 30 minutes for discussion of the results in plenary afterwards.

Documentation

Necessary material:

Case study on legal standing and industrial emissions in hardcopy

Trainer's profile

The ideal speaker is a professional with knowledge on the practical application of industrial emissions legislation and the relevant access to justice issues.

Unit 6: Presentation on the scope and standard of judicial review in EU law

Short description of the contents and general objectives

The objective of this unit is to provide participants with a comprehensive understanding of the scope of judicial review in environmental cases. Participants will gain an understanding of what judicial review means in this context and what its limitations are. This will be demonstrated through EU primary and secondary legislation, the Notice on access to justice, as well as through international texts.

Specific learning points

- Grounds of judicial review
- Intensity of judicial review
- CJEU case law

Methodology

This unit must take the form of a presentation in plenary session, either online or in person, encouraging questions and discussion.

Time frame

The time allocated to this unit should be around 45 minutes for the presentation, with additional 15 minutes for questions and discussion. In the online format, it is worth considering shortening the presentation to a total of 45 minutes or splitting the content into 2 30-minute presentations.

Documentation

Necessary material:

PowerPoint Presentation: 'Scope and Standard of judicial review'
--

Additional material (to be included in the electronic documentation):

	European legislation and documents
01	<u>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</u>

	<u>in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies</u>
02	<u>C/2017/2616, Commission notice on access to justice in environmental matters, 18 August 2017</u>
03	<u>European Commission, Factsheet: Access to justice in environmental matters, 2017</u>

Trainer's profile

The ideal speaker is a national judge with experience in the field of access to justice in environmental matters. Ideally a member of the Aarhus Compliance Committee will be available to give this presentation.

Unit 7: Presentation on effective remedies and the obligations of a national judge

Short description of content and general objectives

This unit aims to highlight to participants how the provisions on access to justice relate to their daily work and how they can better engage with such issues, implementing EU legislation. This presentation will outline the main objectives of EU environmental law and shed light to the EU law components that a national judge must keep in mind to successfully apply EU legislation.

Specific learning points

- Principle of equivalence and principle of effectiveness
- Interim measures
- CJEU case law

Methodology

This unit must take the form of a presentation in plenary in plenary session, either online or in person, encouraging questions and discussion.

Time frame

The time allocated to this unit should be around 45 minutes for the presentation, with additional 15 minutes for questions and discussion. In the online format, it is worth considering shortening the presentation to 30 minutes.

Documentation

Necessary material:

01	PowerPoint Presentation: 'Effective remedies and the obligation of a national judge'
----	--

Trainer's profile

The ideal speaker is someone with practical knowledge of the application of such provisions. A national administrative judge with experience in judicial cooperation or a member of the Aarhus Compliance Committee would be a good choice.

Unit 8: Presentation on litigation costs and time limits of the procedures

Short description of content and general objectives

This unit provides a concise exploration of specific topics of access to justice in environmental matters that touch upon costs and duration of proceedings. Through article 9 of the Aarhus Convention participants will be given insights on the specific requirements regarding the length and cost of proceedings. This will be an opportunity for a discussion on the length of proceedings in different jurisdictions.

Specific learning points

- Excessive and prohibitive costs for access to justice
- Reasonable timelines of court procedures
- CJEU case law

Methodology

This unit must take the form of a presentation in plenary session, either online or in person. Discussion and questions and questions are encouraged.

Time frame

The time allocated to this unit should be approximately 45 minutes for the presentation, followed by 30 minutes for discussion and exchange of experiences. In the online format, it is worth considering shortening the presentation to a total of 45 minutes or splitting the content into 2 30-minute presentations.

Documentation

Necessary material:

01	PowerPoint Presentation: 'Litigation costs and time limits of the procedures'
----	---

Additional material (to be included in the electronic documentation):

	European legislation and documents
--	------------------------------------

01	<u>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</u>
02	<u>C/2017/2616, Commission notice on access to justice in environmental matters, 18 August 2017</u>
03	<u>European Commission, Factsheet: Access to justice in environmental matters, 2017</u>

Trainer's profile

The indicated speaker is someone with specific knowledge on the judicial practice in access to justice in environmental matters.

Unit 9: Presentation on access to justice in specific EU environmental law instruments

Short description of content and general objectives

This unit aims to dissect the complexities surrounding access to justice that relate to specific EU legislation. Emphasis will be placed on the EIA and SEA Directives as well as the Industrial Emissions Directive.

Specific learning points

- 2011/92/EU (EIA Directive)
- 2001/42/EC (SEA Directive)
- 2010/75/EU (Industrial Emissions Directive)
- Commission notice on access to justice in environmental matters

Methodology

This unit must take the form of a presentation in plenary session, either online or in person. Discussion and questions and questions are encouraged.

Time frame

The time allocated to this unit should be approximately 45 minutes for the presentation, followed by 30 minutes for discussion and exchange of experiences. In the online format, it is worth considering shortening the presentation to a total of 45 minutes or splitting the content into 2 30-minute presentations.

Documentation

Necessary material:

01	PowerPoint presentation: 'Access to justice in specific EU environmental law instruments'
----	---

Additional material (to be included in the electronic documentation):

Access to justice in specific EU environmental law instruments

1.	<u>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)</u>
2.	<u>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)</u>
3.	<u>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)</u>
4.	<u>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</u>

Trainer profile

An ideal speaker to present this unit is someone with good knowledge and experience on the specific legislation. An EU official specialised in environmental law and some of these legislative texts would be the optimal choice for this presentation.

Unit 10: Case study on judicial review and effective remedies with a focus on the Environmental Impact Assessment (EIA) Directive

Short description of the contents and general objectives

This unit offers a practical exploration of the possible issues regarding access to justice that could end up on a national judges' desk. In this scenario, a city council adopted an accelerated development plan for residential buildings in a small undesignated space, neighbouring an existing residential area. According to the national building code, the accelerated procedure stipulates that there is no need for an impact assessment. An environmental NGO went against this plan challenging in particular the accelerated procedure due to the lack of Environmental Impact Assessment, on the grounds of article 3 of the SEA Directive. Participants are called to address the questions of the admissibility of the action and the legal standing of the NGO, as well as the compatibility of national legislation with EU law. Finally they are asked to indicate what course of action the national court must take if the national provision is not compatible with EU law.

Methodology

The trainer will explain the facts of the case to participants. Subsequently, they will be divided into groups to discuss the issues at hand and decide on their answers. Each group will assign a person responsible for presenting their conclusions. Resuming in plenary, the groups will present their conclusions and the trainer will provide the solutions/main discussion points.

Time frame

The time allocated to this unit should be around 15 minutes for the presentation of the facts, with 45 minutes for questions and discussion. 30 minutes will be planned for discussion of the conclusions and solutions to the case study.

Documentation

Necessary material:

01	Case study 'Case study on judicial review and effective remedies with a focus on the Environmental Impact Assessment (EIA) Directive' in hardcopy
----	---

Trainer profile

The ideal speaker to lead this exercise is a national administrative judge who has experience with urban planning and access to justice in environmental matters.

Unit 11: Presentation on the preliminary reference procedure for interpretation and validity in the context of EU judicial protection in environmental cases

Short description of content and general objectives

In this unit, the general objective is to understand the key aspects related to the role of the national judge in the implementation of European Environmental Law, as well as to explain the importance of preliminary reference as tool for such a purpose. To this end, emphasis should be placed on analysing how the national judges and prosecutors will properly interpret and implement the main provisions of EU law on access to justice. A significant part of this unit is devoted to the preliminary reference procedure which has an essential place in the national judges' EU legal toolbox. The presentation is meant to initiate an exchange of thoughts and experiences about access to justice in environmental matters.

Specific learning points

- Role of the National Judge
- Article 267 TFEU
- National Courts and uniform interpretation of EU environmental law

Methodology

This unit will take the form of a presentation in plenary session, either online or in person. Discussions and questions should be stimulated at the maximum.

Time frame

The time allocated to this unit should be around 50 minutes for the presentation, with additional 20 minutes for discussion and experience exchange with the participants.

Documentation

Necessary material:

01	PowerPoint Presentation: "Presentation on the preliminary reference procedure for interpretation and validity in the context of EU judicial protection in environmental cases"
----	--

Additional material (to be included in the electronic documentation):

	EU legislation and documents
01	Official Journal of the European Union, C 380, 8 November 2019
02	Regulation (EC) No 1367/2006 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 Community institutions and bodies, OJ L 264, 25 September 2006
03	Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, OJ L 61, 3 March 1997
	International Law
01	Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), 25 June 1998
	Case law
01	C-204/21 - Commission v Poland (Indépendance et vie privée des juges), 24 April 2023
02	C-683/19 - Viesgo Infraestructuras Energéticas, 14 October 2021
03	C-561/19 - Consorzio Italian Management e Catania Multiservizi and Catania Multiservizi, 6 October 2021
04	C-112/19 - Kreis Heinsberg, 28 October 2020
05	C-210/06 - Cartesio, 16 December 2008
06	C-337/95 - Parfums Christian Dior v Evora, 4 November 1997
07	C-314/85 - Foto-Frost v Hauptzollamt Lübeck-Ost, 22 October 1987
08	C-283/81 - CILFIT v Ministero della Sanità, 6 October 1982

Trainer's profile

An ideal speaker is an experienced judge, or a professor with expertise in preliminary reference.

Unit 12: Case study on the role of a judge when dealing with environmental cases at the national level – preliminary ruling

Short description of content and general objectives

This unit focuses on the role of a national judge and prosecutor when dealing with environmental cases at national level. There are several ways to approach this unit in an efficient manner that keeps participants engaged with the training. The choice to carry out a mock trial has been well received by participants. In the present example, two gentlemen have been arrested in possession of firearms, equipment, and dead animals at a regional natural park during a hunting ban period. They claim that they were hunting independently, unaware that the area was a natural park, due to the lack of signs, and that they did not know the species of the birds they hunted. A local environmental association expresses its intention to join as a civil party in the proceedings.

Methodology

The trainer will present the case by raising the main factual features. After the introductory presentation, participants will be divided into groups of 6-8 people. The groups will discuss the case based on EU law and (if applicable) national law. The groups will each be assigned to approach the case from the side of prosecutors, defendants, and the court. The aim is to hold a mock trial. After the groups discuss the case, participants will return to the plenary. Each group will assume their role and the trial will be chaired by the president, like in a normal court. At the end the court will announce their judgement.

Time frame

The introduction of the case study should take 15 minutes; afterwards participants will split up into groups. The discussion on the case will take around 45 minutes, and the following discussion in plenary including the debriefing will take another 30-45 minutes.

Documentation

Necessary material:

01	Case study on the role of a national judge in hardcopy
----	--

Trainer profile

Continuous training of judges and prosecutors on the subject can be more successful when done by a colleague who has the same professional background ('speaking the same language'). An ideal speaker could therefore be a judge/prosecutor experienced in environmental liability and access to justice or an experienced professor of environmental law.

Unit 13: Closing session – evaluation of the workshop

Short description of content

In the final session of the workshop, conclusions will be drawn, and participants will be invited to evaluate the event.

General objectives

Participants will provide feedback on the whole event, the preliminary information, the workshop documentation, the e-learning module and the usefulness of the workshop for their daily work.

Specific learning points

- Summing up the event
- Obtaining feedback
- Use the feedback and the evaluations to improve the training module (for organisers)

Methodology

Participants will be in plenary, either online or in person. Before the final discussion and evaluation of the event is opened, each participant should have already filled in the anonymous evaluation form. If possible, all participants, i.e., including the speakers and the training manager and/or judicial training advisor of the workshop, shall participate in this final evaluation session. The training manager of the workshop should encourage the participants to speak openly about their impressions of the workshop.

Time frame

The closing session should take between 15 and 30 minutes.

Documentation

Necessary material (to be made available in hardcopy during the sub-session):

01	Evaluation form
----	-----------------

Trainer profile

The closing session will be chaired by the training manager and/or the judicial training advisor of the workshop.

V. Annex I: Template indicative workshop programme



ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

Workshop for judges and prosecutors
Budapest, 04-06 December 2024

EXCELLENCE IN
EUROPEAN LAW

Speakers

Alessandro Andronio, Judge, Supreme Court, Roma

Luisa Cortat, Course Director, European Public Law, ERA, Trier, Germany

Georgina Kiss, Judge, Budapest Environs Regional Court

Klaus Lernhart, Judicial Training Advisor, ERA, Trier; former Presiding Judge, Higher Administrative Court, Mannheim

Peter Vajda, Senior Environmental Expert, Energy Community Secretariat, Vienna

Vojtěch Vomáčka, Legal Advisor (Supreme Administrative Court of the Czech Republic) and Assistant Professor (Masaryk University), Brno

Daniilo Auricchio, Legal and Policy Officer, DG Environment, European Commission, Brussels

Key topics

- Comprehensive analysis of the Aarhus Convention
- EU environmental law and the Aarhus Convention
- Legal standing: Categories and conditions under EU law
- Judicial review: Grounds, intensity, and CJEU case law
- Effective remedies
- Access to justice in specific EU environmental law instruments
- Preliminary reference
- CJEU case law
- Various case studies

Language
English

Event number
424DV152

Organiser
ERA (Dr Luisa Cortat) on behalf of the European Commission, in cooperation with the Hungarian Academy of Justice.

ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

04 December 2024

09:00 Arrival and registration of participants

09:15 **Opening of the seminar**
Luisa Cortat

I. SETTING THE SCENE

09:30 **Access to justice on environmental matters and the Aarhus Convention**

- Development, aim, main features of the Aarhus Convention
- The three-pillar structure
- The Aarhus Compliance mechanism

Danilo Auricchio

10:30 Discussion

10:45 Coffee break

II. THE AARHUS REQUIREMENTS AND EU LAW

11:15 **EU environmental law and the Aarhus Convention**

- Status in Europe and direct effect at EU level
- European Commission Notice on Access to Justice in Environmental Matters

Danilo Auricchio

12:00 Discussion

12:15 **Right to bring a legal challenge (legal standing)**

- Categories of legal standing rights
- Locus standi for environmental NGOs
- Principle of primacy of EU law
- CJEU case law

Vojtěch Vomáčka

13:00 Lunch

14:00 **Right to bring a legal challenge (legal standing) – cont.**

- Legal standing under substantive EU environmental law
- Conditions of legal standing
- Judicial review of plans and programmes

Vojtěch Vomáčka

14:45 Quiz and discussion

15:15 Coffee break

15:45 **Case study on legal standing – Focus on industrial emissions**

- Introduction to the case study
- Working groups
- Plenary discussion of the results

Peter Vajda

17:15 End of first day

19:30 Dinner

05 December 2024

09:30 **Introduction**
Luisa Cortat

II. THE AARHUS REQUIREMENTS AND EU LAW (Cont.)

09:35 **Scope and standard of judicial review: EU law**

- Grounds of the judicial review
- Intensity of the judicial review
- CJEU case law

Alessandro Andronio

Objective

This 2.5-day workshop introduces access to justice in environmental matters under the Aarhus Convention and EU environmental law. The workshop highlights the pillars and compliance mechanisms of the Aarhus Convention. It examines the interplay between the Aarhus requirements and EU law, including legal standing, the scope of judicial review and the obligations of national judges. Finally, it focuses on enforcement at the national level, explaining the preliminary reference procedure and the role of national courts in interpreting EU environmental law. Discussions and case studies will provide practical perspectives and equip participants with the necessary tools to navigate through the relevant mechanisms.

Who should attend?

Judges and prosecutors from EU Member States interested in environmental law.

Venue

Hungarian Academy of Justice
H-1122 Budapest
Tóth Lőrinc u. 6.

Your contact persons



Dr Luisa Cortat
Course Director
European Public Law
E-Mail: lcortat@era.int



Sabine Framing
Assistant
E-Mail: sframing@era.int

For programme updates:

www.era.int

Programme may be subject to amendment.

- 10:20 Discussion
- 10:30 Coffee break
- 11:00 **Effective remedies – obligation of a national judge**
- Principle of equivalence and principle of effectiveness
 - Interim measures (injunctive relief)
 - CJEU case law
- Georgina Kiss*
- 11:45 Discussion
- 12:00 **Litigation costs and time limits of the procedures**
- Excessive and prohibitive costs for access to justice
 - Reasonable timelines of court procedures
 - CJEU case law
- Georgina Kiss*
- 12:30 Discussion and Experience Exchange
- 13:00 Lunch
- 14:00 **Access to justice in specific EU environmental law instruments**
- 2011/92/EU (EIA Directive)
 - 2001/42/EC (SEA Directive)
 - 2010/75/EU (Industrial Emissions Directive)
 - Commission notice on access to justice in environmental matters
- Peter Vajda*
- 14:45 Discussion
- 15:00 Coffee break
- 15:30 **Case study on judicial review and effective remedies – focus on the Environmental Impact Assessment (EIA) Directive**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
- Klaus Lernhart*
- 17:00 End of second day

06 December 2024

- 09:00 **Introduction**
Luisa Cortat

I. ENFORCEMENT AT THE NATIONAL LEVEL

- 09:05 **Preliminary reference procedure for interpretation and validity in the context of EU judicial protection in environmental cases**
- Article 267 TFEU
 - National courts and uniform interpretation of EU environmental law
- Alessandro Andronio*
- 09:45 Discussion
- 10:00 Coffee break
- 10:30 **Case study on the role of a judge when dealing with environmental cases at the national level – preliminary ruling**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
- Alessandro Andronio*
- 12:00 Evaluation of the workshop
- 12:30 End of the workshop

Apply online for

ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

Workshop for judges & prosecutors

Budapest, 4-6 December 2024 / Event Number: 424DV152



Financed by the “Cooperation with National Judges in the field of Environmental Law” programme of the European Union

Terms and conditions of participation

Selection

1. Participation is only open to judges and prosecutors from all EU Member States.
2. The number of places available is limited. Participation will be subject to a selection procedure. Selection will be dependent on:
 - i. the relevance of the seminars to the professional life of the applicant;
 - ii. geographical, professional, and linguistic balance among the participants will be sought;
 - iii. In case of exceeding applications, only one person per institution may be accepted.
3. Online applications can be made until **14 October 2024**
4. A response will be given to every applicant of this workshop shortly after this deadline. We advise you not to book any travel or hotel before you receive our confirmation.

Registration Fee

5. There is no registration fee.

Travel expenses

6. **The travel expenses will be reimbursed to a maximum of 400 euros** subject to the submission of the originals of travel receipts (like flight ticket, boarding pass, train ticket, taxi costs can only be reimbursed in exceptional cases and has to be justified in written, etc.). Participants are advised of the obligation to use the most cost-efficient mode of transport available.

Accommodation

7. **Maximum 3 hotel nights** will be covered directly by ERA, only for the hotel booked by ERA.

Other services

8. Lunches, beverages consumed during the event and the workshop documents are offered by ERA.

Participation

9. Participation to the whole workshop is required and your presence will be monitored.
10. A list of participants including each participant's address will be made available to all participants unless the ERA receives written objection from the participant no later than one week prior to the beginning of the event.
11. The participant's address and other relevant information will be stored in ERA's database in order to provide information about future ERA events, publications and/or other developments in the participant's area of interest unless the participant indicates that he or she does not wish ERA to do so.
12. A certificate of attendance will be issued at the end of the workshop.
13. For further details please follow our project website: www.era.int/environmental_law

Online application:

www.era.int/?133076&en

Language

English

Contact Person

Sabine Framing

Assistant

Email: sframing@era.int

Tel. : +49 (0)651 937 37 421

For further information:

Sabine Framing

Tel.: +49 (0)651 937 37 421

Fax. : +49 (0)651 937 37 773

E-mail: sframing@era.int

VI. Annex II: Background material to be contained in the user's pack



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

B. EU Legislation

B1. General Framework

4	<u>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</u>
5	<u>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</u>
6	<u>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)</u>
7	<u>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</u>
8	<u>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</u>
9	<u>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</u>
10	<u>Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental, 25 June 1998 (Aarhus Convention)</u>

B2. Access to justice in specific EU environmental law instruments

5.	<u>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)</u>
----	---

6.	<u>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)</u>
7.	<u>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)</u>
8.	<u>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</u>

C. CJEU Case Law

9.	<u>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)</u>
10.	<u>T-345/22, Judgement of the Court (Third Chamber) of 17 April 2024, Stöttingfjällets Miljöskyddsförening v Commission</u>
11.	<u>C-252/22, Judgement of the Court (Fourth Chamber) of 11 January 2024, Societatea Civilă Profesională de Avocați Ploeanu & Ionescu</u>
12.	<u>C-166/22, Judgement of the Court (Seventh Chamber) of 6 July 2023, Hellfire Massy Residents Association</u>
13.	<u>C-575/21, Judgement of the Court (Second Chamber) of 25 May 2023, WertInvest Hotelbetriebs GmbH v Magistrat der Stadt Wien</u>
14.	<u>C-432/21, Judgement of the Court (Second Chamber) of 2 March 2023, Commission v Poland () and bonne pratique forestières</u>
15.	<u>C-873/19, Judgement of the Court (Grand Chamber) of 8 November 2022, Deutsche Umwelthilfe eV v Bundesrepublik Deutschland</u>
16.	<u>C-470/19 Judgement of the Court (First Chamber) of 15 April 2021, Friends of the Irish Environment Ltd v Commissioner for Environmental Information</u>
17.	<u>T-9/19, Judgement of the General Court (Second Chamber, Extended Composition) of 27 January 2021, ClientEarth v European Investment Bank (EIB)</u>
18.	<u>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</u>

19.	<u>C-535/18, Judgement of the Court (First Chamber) of 28 May 2020, IL and Others v Land Nordrhein-Westfalen</u>
20.	<u>C-752/18, Judgement of the Court (Grand Chamber) of 19 December 2019, Deutsche Umwelthilfe eV v Freistaat Bayern</u>
21.	<u>C-280/18, Judgement of the Court (First Chamber) of 7 November 2019, Alain Flausch and Others v Ypourgos Perivallontos kai Energeias and Others</u>
22.	<u>C-197/18, Judgement of the Court (First Chamber) of 3 October 2019, Wasserleitungsverband Nördliches Burgenland and Others</u>
23.	<u>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</u>
24.	<u>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</u>
25.	<u>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</u>
26.	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
27.	<u>C-664/15, Judgement of the Court (Second Chamber) of 20 December 2017, Protect Natur-, Arten- und Landschaftsschutz Umweltorganisation v Bezirkshauptmannschaft Gmünd</u>
28.	<u>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</u>
29.	<u>C-196/16 and C-197/16, Judgement of the Court (First Chamber) of 26 July 2017, Comune di Corridonia</u>
30.	C-60/15 P, Judgement of the Court (Fifth Chamber) of 13 July 2017, Saint-Gobain Glass Deutschland GmbH v European Commission
31.	<u>C-529/15, Judgement of the Court (First Chamber) of 1 June 2017, Gert Folk. Request for a preliminary ruling from the Verwaltungsgerichtshof</u>
32.	C-243/15, Judgement of the Court (Grand Chamber) of 8 November 2016, Lesoochránárske zoskupenie VLK v Obvodný úrad Trenčín

33.	C-137/14, Opinion of Advocate General Wathelet of 21 May 2015, and <u>Judgement of the Court (Second Chamber) of 15 October 2015</u> , Commission v Germany
34.	<u>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</u>
35.	C-71/14, Opinion of Advocate General Sharpston of 16 April 2015 and <u>Judgement of the Court (Fifth Chamber) of 6 October 2015</u> , East Sussex County Council v Information Commissioner
36.	<u>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</u>
37.	C-206/13 Judgement of the Court (Tenth Chamber) of 6 March 2014, Siragusa v Regione Sicilia – Soprintendenza Beni Culturali e Ambientali di Palermo
38.	C-530/11, Judgement of the Court (Second Chamber) of 13 February 2014, Commission v United Kingdom
39.	C-72/12, Judgement of the Court (Second Chamber) of 7 November 2013, Gemeinde Altrip and Others v Land Rheinland-Pfalz
40.	<u>C-260/11, Judgement of the Court (Fourth Chamber) of 11 April 2013, Edwards and Pallikaropoulos v Environment Agency and Others</u>
41.	C-416/10, Judgement of the Court (Grand Chamber) of 15 January 2013, Jozef Križan and Others v Slovenská inšpekcia životného prostredia
42.	<u>C-182/10, Judgement of the Court (Fourth Chamber), 16 February 2012, Solvay and Others v Région wallonne</u>
43.	C-204/09, Judgement of the Court (Grand Chamber) of 14 February 2012, Flachglas Torgau GmbH v Bundesrepublik Deutschland
44.	<u>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</u>
45.	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
46.	<u>C-240/09, Judgement of the Court (Grand Chamber) of 8 March 2011, Lesoochranské zoskupenie VLK v Ministerstvo životného prostredia Slovenskej republiky</u>

47.	C-524/09, Judgement of the Court (Fourth Chamber) of 22 December 2010, Ville de Lyon v Caisse des dépôts et consignations
48.	C-263/08, Judgement of the Court (Second Chamber) of 15 October 2009, Djurgården-Lilla Värtans Miljöskyddsförening v Stockholms kommun genom dess marknämnd
49.	C-427/07, Judgement of the Court (Second Chamber) of 16 July 2009, Commission v Ireland
50.	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
51.	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
52.	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

53.	<u>eJustice, Factsheets on access to justice in environmental matters informing the public of the applicable rules in each Member State</u>
54.	<u>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)</u>
55.	<u>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</u>
56.	<u>European Parliamentary Research Service, Access to justice in environmental matters Amending the Aarhus Regulation, March 2022</u>
57.	<u>European Commission, Political agreement on the Aarhus Regulation: Commission welcomes increased public scrutiny of EU acts related to the environment, 13 July 2021</u>
58.	<u>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</u>

	Climate Law) (COM(2020)0080 – COM(2020)0563 – C9-0077/2020 – 2020/0036(COD))
59.	<u>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</u>
60.	<u>European Commission, Publications Office of the European Union, 'Citizen's Guide to Access to Justice in Environmental Matters', 4 September 2018</u>
61.	<u>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</u>
62.	<u>C/2017/2616, Commission notice on access to justice in environmental matters, 18 August 2017</u>
63.	<u>European Commission, Factsheet: Access to justice in environmental matters, 2017</u>

E. Other relevant publications and studies

64.	<u>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</u>
65.	<u>ClientEarth, 'How can the law fight climate change?', 15 November 2021</u>
66.	<u>ClientEarth, 'Access to Justice in European Union Law - a legal guide on Access to Justice in environmental matters Edition 2021', 31 March 2021</u>
67.	<u>ClientEarth Communications, 'The European Commission's communication on improving access to justice: Roadmap for action or cover for non-action?', 6 November 2020</u>
68.	<u>ClientEarth, 'Of Munich's Air and Prisons: New Court of Justice Ruling on Effective Remedies', 24 February 2020</u>
69.	<u>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</u>

70.	<u>Institute for European Environmental Policy: “European Development of an assessment framework on environmental governance in the EU Member States”, Final report, May 2019</u>
71.	<u>Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (Escazu Agreement), 2018</u>
72.	<u>United Nations Economic Commission for Europe, The Aarhus Convention: An Implementation Guide, 2014</u>
73.	<u>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</u>
74.	<u>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</u>

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

75.	<u>Declic et al. v. The Romanian Government, Cluj Court of Appeal (pending)</u>
76.	<u>Anton Foley and others v Sweden (Aurora Case), Nacka District Court of Sweden (pending)</u>
77.	<u>Fossiel/Vrij NL v. KLM, Amsterdam District Court, 20 March 2024</u>
78.	<u>A Sud Ecologia e Cooperazione Odv ETS v Italy, 14 November 2023</u>
79.	<u>Finnish Association for Nature Conservation and Greenpeace v. Finland, Supreme Administrative Court Finland (pending), 06 July 2023</u>
80.	<u>In re Federal Climate Protection Act Austria, Constitutional Court of Austria, 27 June 2023</u>
81.	<u>Klimatická žaloba ČR v. Czech Republic, Prague Municipal Court, 15 June 2022</u>
82.	<u>Plan B Earth and Others v. Prime Minister, UK High Court of Justice, 21 December 2021</u>
83.	<u>Notre Affaire à Tous and Others v. France, Administrative Court of Paris, 14 October 2021</u>

84.	<u>VZW Klimaatzaak v. Kingdom of Belgium & Others, Brussels Court of First Instance, 17 June 2021</u>
85.	<u>Neubauer, et al. v. Germany, Federal Constitutional Court Germany, 24 May 2021</u>
86.	<u>Commune de Grande-Synthe v. France, Council of State, 7 January 2021</u>
87.	<u>Friends of the Irish Environment v. Ireland, Supreme Court Ireland, 31 July 2020</u>
88.	<u>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</u>

G. EU Institution and Agencies

89.	<u>European Commission</u> • <u>The Aarhus Convention and the EU</u> • <u>DG Environment</u> • <u>DG Climate Action</u> • <u>DG Justice and Consumers</u>
90.	<u>European Council and Council of the European Union</u>
91.	<u>European Parliament</u>
92.	<u>European Environment Agency (EEA)</u>
93.	<u>Court of Justice of the European Union (CJEU)</u>
94.	<u>Eurojust</u> • <u>Environmental crime</u>
95.	<u>European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL)</u>