



EU Environmental Impact Assessment Requirements

Workshop for judges and prosecutors

Vienna, 19-21 February 2025

I. Speakers

Klaus Malacek	
	• CV • Overview of the Environmental Impact Assessment (EIA) Directive • Overview of the Strategic Environmental Assessment (SEA) Directive
Vojtech Vomacka	
	• CV • Procedure of assessment • Access to justice in the EIA and SEA Directives
Andrej Kmecl	
	• CV • Case study on the implementation of the SEA Directive • Scope of judicial control under the SEA and EIA procedure
Aleksandra Bujaroska	
	• CV • Case study on the implementation of the EIA Directive – focus on access to justice
Anne Brosnan	

	• CV • Habitats Directive • Water Framework Directive
Peter Vajda	
	• CV • Industrial Emissions Directive
Markus Grubner	
	• CV • Case study on two wind energy projects and “renewable acceleration area” (RED III) – role-playing exercise • Preliminary reference procedure for interpretation and validity in the context of EU judicial protection in environmental cases

II. Background documentation (*hyperlinks*)

1. EU Treaties

1.	Treaty on European Union (consolidated version), OJ C202/01, 7 June 2016
2.	Treaty on the Functioning of the European Union (consolidated version) OJ C202/01, 7 June 2016
3.	The Treaty of Amsterdam, 2 October 1997
4.	The Treaty of Maastricht, 7 February 1992

2. EU legislation

5.	Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869, 29 July 2024
6.	Regulation (EU) 2024/1244 of the European Parliament and of the Council of 24 April 2024 on reporting of environmental data from industrial installations, establishing an Industrial Emissions Portal and repealing Regulation (EC) No 166/2006, 2 May 2024
7.	Regulation (EU) 2024/1157 of the European Parliament and of the Council of 11 April 2024 on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006, 30 April 2024

8.	Directive (EU) 2024/1203 of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC, 30 April 2024 (‘Environmental Crime Directive – ECD’)
9.	Directive (EU) 2024/1785 of the European Parliament and of the Council amending Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC on the landfill of waste (Text with EEA relevance), 24 April 2024 (‘IED 2.0’)
10.	Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869 (Text with EEA relevance), 29 July 2024
11.	Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652 (‘Renewable Energy Directive’), 31 October 2023
12.	Commission Delegated Regulation (EU) 2023/2772 (consolidated version) of 31 July 2023 supplementing Directive 2013/34/EU of the European Parliament and of the Council as regards sustainability reporting standards, 22 December 2023
13.	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, 12 April 2022
14.	Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 (‘European Climate Law’), July 2021
15.	Regulation (EU) 2021/783 of the European Parliament and of the Council of 29 April 2021 establishing a Programme for the Environment and Climate Action (LIFE), and repealing Regulation (EU) No 1293/2013, 17 May 2021
16.	Regulation (EU) 2020/741 of the European Parliament and of the Council of 25 May 2020 on minimum requirements for water reuse, 5 June 2020
17.	Directive (EU) 2019/904 of the European Parliament and of the Council of 5 June 2019 on the reduction of the impact of certain plastic products on the environment, 12 June 2019
18.	Directive (EU) 2018/2001 (consolidated version) of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of

	energy from renewable sources (recast) (Text with EEA relevance), 21 December 2018
19.	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, Text with EEA relevance, 17 December 2016
20.	Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment Text with EEA relevance, 25 April 2014
21.	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) (' Environmental Impact Assessment – EIA '), 28 January 2012
22.	Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (recast) (Text with EEA relevance), 17 December 2010
23.	Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, 6 December 2008
24.	Directive 2008/98/EC (consolidated version) of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Text with EEA relevance) Text with EEA relevance, 22 November 2008 (Waste Framework Directive)
25.	Directive 2007/2/EC of the European Parliament and of the Council establishing an Infrastructure for Spatial Information in the European Community (INSPIRE), 14 March 2007
26.	Directive 2006/7/EC (consolidated version) of the European Parliament and of the Council concerning the management of bathing water quality and repealing Directive 76/160/EEC, 15 February 2006
27.	Directive 2004/35/CE 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, 30 April 2004
28.	Directive 2003/35/EC 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/EEC - Statement by the Commission, 25 June 2003

29.	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, 14 February 2003
30.	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 (' Strategic Environmental Assessment Directive – SEA ') 21 July 2001
31.	Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, 22 December 2000

3. International Documents

32.	Convention on Access to Information, Public Participation in decision-making and access to justice in environmental matters, 25 June 1998 (Aarhus Convention)
33.	UNECE Convention on Transboundary EIA (Espoo), 1991

4. CJEU Case law

34.	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)
35.	T-345/22, Judgement of the Court (Third Chamber), Stöttingfjällets Miljöskyddsförening v. Commission, 17 April 2024
36.	C-252/22, Judgement of the Court (Fourth Chamber), Societatea Civilă Profesională de Avocați Ploeanu & Ionescu, 11 January 2024
37.	C-166/22, Judgement of the Court (Seventh Chamber), Hellfire Massy Residents Association, 6 July 2023
38.	C-575/21, Judgement of the Court (Second Chamber), WertInvest Hotelbetriebs GmbH v. Magistrat der Stadt Wien, 25 May 2023
39.	C-9/22, Judgement of the Court (Seventh Chamber), NJ, OZ v. An Bord Pleanála, Ireland, 9 March 2023
40.	C-432/21, Judgement of the Court (Second Chamber), Commission v. Poland (and bonne pratique forestières), 2 March 2023
41.	C-873/19, Judgement of the Court (Grand Chamber), Deutsche Umwelthilfe eV v. Bundesrepublik Deutschland, 8 November 2022

42.	C-470/19 Judgement of the Court (First Chamber), Friends of the Irish Environment Ltd v. Commissioner for Environmental Information, 15 April 2021
43.	T-9/19, Judgement of the General Court (Second Chamber, Extended Composition), ClientEarth v. European Investment Bank (EIB), 27 January 2021
44.	C-826/18, Judgement of the Court (First Chamber), LB, Stichting Varkens in Nood and Others v. College van burgemeester en wethouders van de gemeente Echt-Susteren, 14 January 2021
45.	C-24/19, Judgement of the Court (Grand Chamber), A and Others v. Gewestelijke stedenbouwkundige ambtenaar van het departement Ruimte Vlaanderen, afdeling Oost-Vlaanderen, 25 June 2020
46.	C-535/18, Judgement of the Court (First Chamber), IL and Others v. Land Nordrhein-Westfalen, 28 May 2020
47.	C-752/18, Judgement of the Court (Grand Chamber), Deutsche Umwelthilfe eV v. Freistaat Bayern, 19 December 2019
48.	C-280/18, Judgement of the Court (First Chamber), Alain Flausch and Others v. Ypourgos Perivallontos kai Energeias and Others, 7 November 2019
49.	C-197/18, Judgement of the Court (First Chamber), Wasserleitungsverband Nördliches Burgenland and Others, 3 October 2019
50.	C-411/17, Judgement of the Court (Grand Chamber), Inter-Environnement Wallonie ASBL, Bond Beter Leefmilieu Vlaanderen ASBL v. Council of Ministers, 29 July 2019
51.	C-723/17 Judgement of the Court (First Chamber), Lies Craeynest and Others v. Brussels Hoofdstedelijk Gewest and Brussels Instituut voor Milieubeheer, 26 June 2019
52.	C-167/17, Judgement of the Court (First Chamber), Volkmar Klohn v. An Bord Pleanála. Request for a preliminary ruling from the Supreme Court, 17 October 2018
53.	C-97/17, Judgement of the Court (Second Chamber), European Commission v. Bulgaria, 26 April 2018
54.	C-441/17, Judgement of the Court (Grand Chamber), European Commission v. Poland, 17 April 2018

55.	C-323/17, Judgement of the Court (Seventh Chamber), People Over Wind v. Coillte Teoranta, 12 April 2018
56.	C-470/16, Judgement of the Court (First Chamber), North East Pylon Pressure Campaign Limited and Maura Sheehy v. An Bord Pleanála and Others, 15 March 2018
57.	C-117/17, Judgement of the Court (Sixth Chamber), Comune di Castellbellino v. Regione Marche and Others, 28 February 2018
58.	C-664/15, Judgement of the Court (Second Chamber), Protect Natur-, Arten- und Landschaftsschutz Umweltorganisation v. Bezirkshauptmannschaft Gmünd, 20 December 2017
59.	C-281/16, Judgement of the Court (Fourth Chamber), Vereniging Hoekschewaards Landschap v. Staatssecretaris van Economische Zaken. Request for a preliminary ruling from the Raad van State, 19 October 2017
60.	C-196/16 and C-197/16, Judgement of the Court (First Chamber), Comune di Corridonia, 26 July 2017
61.	C-60/15 P, Judgement of the Court (Fifth Chamber), Saint-Gobain Glass Deutschland GmbH v. European Commission, 13 July 2017
62.	C-529/15, Judgement of the Court (First Chamber), Gert Folk. Request for a preliminary ruling from the Verwaltungsgerichtshof, 1 June 2017
63.	C-142/16, Judgement of the Court (Second Chamber), European Commission v Germany, 26 April 2017
64.	C-645/15, Judgement of the Court (Sixth Chamber), Bund Naturschutz in Bayern e.V. and Harald Wilde v. Freistaat Bayern, 24 November 2016
65.	C-461/14, Judgement of the Court (Fifth Chamber), European Commission v. Kingdom of Spain, 24 November 2016
66.	C-442/14, Judgement of the Court (Fifth Chamber), Bayer CropScience SA-NV v. College voor de toelating van gewasbeschermingsmiddelen en biociden, 23 November 2016
67.	C-348/15, Judgement of the Court (First Chamber), Stadt Wiener Neustadt v. Niederösterreichische Landesregierung, 17 November 2016
68.	C-243/15, Judgement of the Court (Grand Chamber), Lesoochranské zoskupenie VLK v. Obvodný úrad Trenčín, 8 November 2016
69.	C-290/15, Judgement of the Court (Second Chamber), Patrice D'Oultremont and Others v. Région Wallonne, 27 October 2016
70.	C-444/15, Judgement of the Court (Third Chamber), Associazione Italia Nostra Onlus v. Comune di Venezia and Others, 21 December 2016

71.	C-137/14, Opinion of Advocate General Wathelet, 21 May 2015 and Judgement of the Court (Second Chamber), Commission v. Germany, 15 October 2015
72.	C-570/13, Judgement of the Court (Fifth Chamber), Karoline Gruber v. Unabhängiger Verwaltungssenat für Kärnten and Others. Request for a preliminary ruling from the Verwaltungsgerichtshof, 16 April 2015
73.	C-71/14, Opinion of Advocate General Sharpston, 16 April 2015 and Judgement of the Court (Fifth Chamber), East Sussex County Council v. Information Commissioner, 6 October 2015
74.	C401/12 P to C403/12 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
75.	C-206/13, Judgement of the Court (Tenth Chamber), Siragusa v. Regione Sicilia – Soprintendenza Beni Culturali e Ambientali di Palermo, 6 March 2014
76.	C-530/11, Judgement of the Court (Second Chamber), Commission v. United Kingdom, 13 February 2014
77.	C-72/12, Judgement of the Court (Second Chamber), Gemeinde Altrip and Others v. Land Rheinland-Pfalz, 7 November 2013
78.	C-260/11, Judgement of the Court (Fourth Chamber), Edwards and Pallikaropoulos v. Environment Agency and Others, 11 April 2013
79.	C-416/10, Judgement of the Court (Grand Chamber), Jozef Križan and Others v. Slovenská inšpekcia životného prostredia, 15 January 2013
80.	C-182/10, Judgement of the Court (Fourth Chamber), Solvay and Others v. Région wallonne, 16 February 2012
81.	C-204/09, Judgement of the Court (Grand Chamber), Flachglas Torgau GmbH v. Bundesrepublik Deutschland, 14 February 2012
82.	C-128/09 to C-131/09, C-134/09 and C-135/09, Judgement of the Court (Grand Chamber), Boxus and Others, 18 October 2011
83.	C-115/09, Judgement of the Court (Fourth Chamber), Bund für Umwelt und Naturschutz Deutschland, Landesverband Nordrhein-Westfalen eV. v. Bezirksregierung Arnsberg, 12 May 2011

84.	C-240/09, Judgement of the Court (Grand Chamber), Lesoochránárske zoskupenie VLK v. Ministerstvo životného prostredia Slovenskej republiky, 8 March 2011
85.	C-50/09, Judgement of the Court (First Chamber), European Commission v. Ireland, 3 March 2011
86.	C-524/09, Judgement of the Court (Fourth Chamber), Ville de Lyon v. Caisse des dépôts et consignations, 22 December 2010
87.	C-263/08, Judgement of the Court (Second Chamber), Djurgården-Lilla Värtans Miljöskyddsförening v. Stockholms kommun genom dess marknämnd, 15 October 2009
88.	C-427/07, Judgement of the Court (Second Chamber), Commission v. Ireland, 16 July 2009
89.	C-142/07, Judgement of the Court (Third Chamber), Ecologistas en Acción-CODA v. Ayuntamiento de Madrid, 25 July 2008
90.	C-156/07, Order of the Court (Sixth Chamber), Salvatore Aiello and Others v. Regione Lombardia and Others, 10 July 2008
91.	C-215/06, Judgement of the Court (Second Chamber), Commission v. Ireland, 3 July 2008
92.	C-2/07, Judgement of the Court (Second Chamber), Paul Abraham and Others v. Région wallonne and Others, 28 February 2008
93.	C-508/03, Judgement of the Court (First Chamber), Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland, 4 May 2006
94.	C-290/03, Judgement of the Court (First Chamber), The Queen, on the application of: Diane Barker v. London Borough of Bromley, 4 May 2006
95.	C-321/95 P, Judgement of the Court, Stichting Greenpeace Council (Greenpeace International) and Others v. Commission of the European Communities, 2 April 1998
96.	T-585/93, Order of the Court of First Instance (First Chamber), Stichting Greenpeace Council (Greenpeace International) and others v. Commission of the European Communities, 9 August 1995
97.	C-25/62, Judgement of the Court, Plaumann & Co. v. Commission of the European Economic Community, 15 July 1963

5. EU Policy documents, Reports and other useful documents

98.	European Commission, Report - Collection of information and data on the implementation of the revised Environmental Impact Assessment (EIA) Directive (2011/92/EU) amended by 2014/52/EU, 2024
99.	European Commission, Interpretation of definitions of project categories of annex I and II of the EIA Directive, 2024
100.	Recommendation and guidance on speeding up permit-granting for renewable energy and related infrastructure projects, 13 May 2024
101.	Commission notice regarding application of the Environmental Impact Assessment Directive (Directive 2011/92/EU of the European Parliament and of the Council, as amended by Directive 2014/52/EU) to changes and extension of projects - Annex I.24 and Annex II.13(a), including main concepts and principles related to these 2021/C 486/01, 3 December 2021
102.	SWD(2019) 414 final, COMMISSION STAFF WORKING DOCUMENT EVALUATION of the Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, 22 November 2019
103.	Commission notice Guidance document regarding application of exemptions under the Environmental Impact Assessment Directive (Directive 2011/92/EU of the European Parliament and of the Council, as amended by Directive 2014/52/EU) – Articles 1(3), 2(4) and 2(5) 2019/C 386/05, 14 November 2019
104.	Commission Notice on access to justice in environmental matters, 2017/ C 275/01, 18 August 2017
105.	Evaluation of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes (the Strategic Environmental Assessment – SEA – Directive), Roadmap, 11 July 2017
106.	REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT under Article 12(3) of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment COM/2017/0234 final, 15 May 2017
107.	Environmental Impact Assessment of Projects Guidance on the preparation of the Environmental Impact Assessment Report (Directive 2011/92/EU as amended by 2014/52/EU), 2017
108.	EIA guidance – screening, 2017
109.	EIA guidance – Scoping, 2017
110.	EIA guidance - EIA report, 2017
111.	European Commission, Study concerning the preparation of the report on the application and effectiveness of the SEA Directive (Directive 2001/42/EC), 2016
112.	Commission guidance document on streamlining environmental assessments conducted under Article 2(3) of the Environmental Impact

	Assessment Directive (Directive 2011/92/EU of the European Parliament and of the Council, as amended by Directive 2014/52/EU) (2016/C 273/01), 27 July 2016
113.	Streamlining environmental assessment procedures for energy infrastructure Projects of Common Interest (PCIs), 2013
114.	Guidance on the Application of the Environmental Impact Assessment Procedure for Large-scale Transboundary Projects, 2013
115.	Guidance on Integrating Climate Change and Biodiversity into Environmental Impact Assessment, 2013
116.	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, 26 October 2012
117.	SWD (2012) 355 final COMMISSION STAFF WORKING PAPER IMPACT ASSESSMENT Accompanying the document PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (Amendment of the EIA Directive), 26 October 2012
118.	Interpretation suggested by the Commission as regards the application of the EIA Directive to ancillary/associated works, 2012
119.	Application of the EIA Directive to projects related to the exploration and exploitation of unconventional hydrocarbon, 2012
120.	Application of EIA Directive to the rehabilitation of landfills, 2010
121.	Collection of information and data to support the Impact Assessment study of the review of the EIA Directive, 2010
122.	Report from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the application and effectiveness of the EIA Directive (Directive 85/337/EEC, as amended by Directives 97/11/EC and 2003/35/EC), 23 July 2009
123.	Justice & Environment – Good Examples of EIA and SEA Regulation and Practice in five European Union Countries, 2008

6. Supporting documents for preliminary ruling requests

124.	Recommendations to national courts and tribunals in relation to the initiation of preliminary ruling proceedings (C/2024/6008), 9 September 2024
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125.	Court of Justice of the European Union, Research and Documentation Directorate, Fact sheet: Urgent preliminary ruling procedure and expedited procedure, April 2019
126.	Rules of Procedure of the Court of Justice (OJ L 265), 29 September 2012

7. EU Institutions and Agencies – International Organizations

127.	European Commission • The European Green Deal • DG Environment • DG Climate Action • DG Justice and Consumers • DG Taxation and Customs Union • DG Maritime Affairs and Fisheries • Combating environmental crime • Environmental assessments
128.	European Council and Council of the European Union
129.	European Parliament
130.	European Environment Agency (EEA)
131.	European Border and Coast Guard Agency (Frontex)
132.	Court of Justice of the European Union (CJEU)
133.	European Public Prosecutor's Office (EPPO)
134.	Europol
135.	European Union Agency for Law Enforcement Training (CEPOL)
136.	Eurojust • Environmental crime
137.	European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL)
138.	Specialised UN bodies
139.	INTERPOL • Environmental crime • Fisheries crime

8. Other useful information (education, exchange and networks)

140.	Academy of European Law (ERA), Co-operation with national judges in the field of environmental law
141.	European Judicial Network (EJN) • Mutual Legal Assistance
142.	European Judicial Training Network (EJTN)

143.	EU Forum of Judges for the environment (EUFJE)
144.	BIOVAL tool: Indicative tool for compensating nature damage
145.	Association of European Administrative Judges (AEAJ)
146.	European Network of Prosecutors for the Environment (ENPE)
147.	EnviCrimeNet, a network of European Law Enforcement Agencies
148.	Emerald Network of Areas of Special Conservation Interest, under the Bern Convention