



EU Legislation on Nature Protection

Workshop for judges and prosecutors

Stockholm, 29-31 October 2024

I. Speakers

Luisa Cortat	
	• CV • Protection of Habitats and Species: A scientific and technical introduction • Main features in the international law framework
Diarmaid O’Cuanachain	
	• CV • Habitats Directive • Birds Directive
Maria Alexandra Aragao	
	• CV • Case study on assessment of an infrastructure project • Bern Convention • An overview of further EU legislation on nature protection
Anders Brengtsson	
	• CV • Case study on granting derogation from strict protection (such as hunting) • The role of national judges and prosecutors in enforcing EU nature protection law – focus on preliminary reference and requirements for access to justice
Christina Olsen Lundh	

	• CV • Maritime protection • Case study on two wind energy projects and “renewable acceleration area” (RED III) - role-playing exercise
Anne Brosnan	
	• CV • Combating environmental crimes and related infringements

II. Background documentation (*hyperlinks*)

A. International Legislation

1.	Decisions of the Conference of the Parties to CMS in effect after its 14th meeting, 17 February 2024
2.	Paris Agreement, 12 December 2015
3.	Sendai Declaration, 14-18 March 2015
4.	Nagoya Protocol, 2010
5.	The Cartagena Protocol on Biosafety, 29 January 2000
6.	The Aarhus Convention, 25 June 1998
7.	Kyoto Protocol to the United Nations Framework Convention on Climate Change, 10 December 1997
8.	Agreement for the Implementation of the Provision of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, 4 August 1995
9.	Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR), 22 September 1992
10.	Rio Declaration, 12 August 1992
11.	Agenda 21, 3-14 June 1992
12.	United Nations Framework Convention on Climate Change (UNFCCC), 1992
13.	Convention in Biological Diversity, 22 May 1992
14.	Convention on the Protection and Use of Transboundary Watercourses and International Lakes, 17 March 1992
15.	Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention), 10 February 1982
16.	Bonn Convention on the Conservation of Migratory Species of Wild Animals, 23 June 1979

17.	Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention), 22 March 1974
18.	International Convention for the Prevention of Pollution from Ships (MARPOL), 1973
19.	Convention on International Trade in Endangered Species of Wild Fauna and Flora, 3 March 1973
20.	UN Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 13 November 1972

B. EU Legislation

i. EU legislation on nature protection

21.	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
22.	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
23.	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
24.	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
25.	Regulation of the European Parliament and the Council on nature restoration and amending Regulation (EU) 2022/869, 15 March 2024
26.	Commission Delegated Regulation (EU) 2023/2772 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
27.	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
28.	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'), 8 July 2021

29.	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
30.	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
31.	Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal, COM(2019) 640 final, 11 December 2019
32.	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
33.	Directive (EU) 2016/2284 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
34.	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
35.	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
36.	Consolidated version of the Treaty on the Functioning of the European Union, 13 December 2007
37.	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
38.	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
39.	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
40.	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, 21 July 2001

41.	The Treaty of Amsterdam, 2 October 1997
42.	The Treaty of Maastricht, 7 February 1992
43.	The Single European Act, 1987
44.	Declaration of the Council of the European Communities and of the representatives of the Governments of the Member States meeting in the Council of 22 November 1973 on the programme of action of the European Communities on the environment, 20 December 1973

ii. EU Legislation on Maritime Protection

45.	Consolidated text: Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, 1 January 2023
46.	Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, 25 July 2019
47.	Consolidated text: Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy, 7 June 2017
48.	Commission Directive (EU) 2017/845 of 17 May 2017 amending Directive 2008/56/EC of the European Parliament and of the Council as regards the indicative lists of elements to be taken into account for the preparation of marine strategies, 18 May 2017
49.	Consolidated text: Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency, 6 Octobre 2016
50.	Directive (EU) 2015/720 of the European Parliament and of the Council of 29 April 2015 amending Directive 94/62/EC as regards reducing the consumption of lightweight plastic carrier bags, 6 May 2015
51.	Directive 2014/89/EU of the European Parliament and of the Council of 23 July 2014 establishing a framework for maritime spatial planning, 28 August 2014
52.	Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the European Maritime and Fisheries Fund, 20 May 2014
53.	Consolidated text: Council Directive of 21 May 1991 concerning urban waste water treatment, 1 January 2014
54.	Regulation (EU) No 100/2013 of the European Parliament and of the Council of 15 January 2013 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency, 9 February 2013

55.	Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, 22 December 2009
56.	Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties, including criminal penalties, for pollution offences, 16 November 2009

iii. EU Legislation on Forest Protection and Biodiversity

57.	European Parliament legislative resolution of 10 April 2024 on the proposal for a directive of the European Parliament and of the Council on Soil Monitoring and Resilience (Soil Monitoring Law) (COM(2023)0416 – C9-0234/2023 – 2023/0232(COD))
58.	Regulation (EU) 2023/1115 of the European Parliament and of the Council of 31 May 2023 on the making available on the Union market and the export from the Union of certain commodities and products associated with deforestation and forest degradation and repealing Regulation (EU) No 995/2010, 9 June 2023
59.	Consolidated text: Regulation (EU) 2018/841 of the European Parliament and of the Council of 30 May 2018 on the inclusion of greenhouse gas emissions and removals from land use, land use change and forestry in the 2030 climate and energy framework, and amending Regulation (EU) No 525/2013 and Decision No 529/2013/EU, 11 May 2023
60.	Consolidated text: Regulation (EU) No 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market (Text with EEA relevance), 1 January 2020
61.	Consolidated text: Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species, 14 December 2019
62.	Regulation (EU) No 511/2014 of the European Parliament and of the Council of 16 April 2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union, 20 May 2014
63.	Consolidated text: Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, 1 July 2013

iv. EU Legislation on Species Protection

64.	Commission Implementing Regulation (EU) 2023/2770 of 12 December 2023 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora in accordance with Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, 13 December 2023
65.	Consolidated text: Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein, 20 May 2023
66.	Commission Regulation (EU) 2023/966 of 15 May 2023 amending Council Regulation (EC) No 338/97 to reflect the amendments adopted at the 19th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 17 May 2023
67.	Council Decision (EU) 2019/1719 of 8 July 2019 on the position to be taken on behalf of the European Union at the 18th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES CoP 18) 17-28 August 2019, 15 October 2019
68.	Consolidated text: Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes, 26 June 2019
69.	Consolidated text: Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (Codified version), 26 June 2019
70.	Consolidated text: Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, 1 July 2013

C. CJEU Case law on nature protection

71.	C-116/22, Judgment of the Court (Second Chamber), European Commission v Federal Republic of Germany, of 21 September 2023
72.	C-444/21, Judgement of the Court (Second Chamber), Commission v. Ireland, 29 June 2023
73.	C-721/21, Judgement of the Court (Second Chamber), Eco Advocacy CLG v. An Bord Pleanála, 15 June 2023
74.	C-432/21, Judgement of the Court (Second Chamber), Commission v. Poland, 2 March 2023
75.	C-559/19, Judgement of the Court (First Chamber), Commission v. Spain, 24 June 2021
76.	C-565/19 P, Judgement of the Court (Sixth Chamber), Carvalho and Others v. Parliament and Council, 25 March 2021

77.	C-900/19, Judgement of the Court (First Chamber), One Voice, Ligue pour la protection des oiseaux v. Ministre de la Transition écologique et solidaire, 17 March 2021
78.	C-849/19, Judgement of the Court (Sixth Chamber), Commission v. Hellenic Republic, 17 December 2020 (Only in French and Greek)
79.	C-463/19, Judgement of the Court (First Chamber), Syndicat CFTC du personnel de la Caisse primaire d'assurance maladie de la Moselle v. Caisse primaire d'assurance maladie de la Moselle, 18 November 2020
80.	C-411/19, Judgment of the Court (Sixth Chamber), WWF Italia Onlus and Others v Presidenza del Consiglio dei Ministri and Azienda Nazionale Autonoma Strade SpA (ANAS) 16 July 2020.
81.	C-477/19, Judgement of the Court (Seventh Chamber), IE v. Magistrat der Stadt Wien, 2 July 2020
82.	C-88/19, Judgement of the Court (Second Chamber), Alianța pentru combaterea abuzurilor v. TM, UN, Direcția pentru Monitorizarea și Protecția Animalelor, 11 June 2020
83.	C-674/17, Judgement of the Court (Second Chamber), Luonnonsuojeluyhdistys Tapiola, 10 October 2019
84.	C-293/17 and C-294/17, Judgement of the Court (Second Chamber), Coöperatie Mobilisation for the Environment UA, Vereniging Leefmilieu v. College van gedeputeerde staten van Limburg, College van gedeputeerde staten van Gelderland, 7 November 2018
85.	C-461/17, Judgement of the Court (Second Chamber), Brian Holohan and Others v. An Bord Pleanála, 7 November 2018
86.	C-669/16, Judgement of the Court (Sixth Chamber), Commission v. United Kingdom of Great Britain and Northern Ireland, 18 October 2018
87.	Judgment of the Court (Grand Chamber), Inter-Environnement Wallonie ASBL and Bond Beter Leefmilieu Vlaanderen ASBL v Conseil des ministers, of 29 July 2019
88.	C-164/17, Judgement of the Court (Second Chamber), Edel Grace, Peter Sweetman v. An Bord Pleanála, 25 July 2018
89.	C-557/15, Judgement of the Court (Third Chamber), Commission v. Malta, 21 June 2018
90.	C-683/16, Judgement of the Court (Third Chamber), Deutscher Naturschutzring v. Deutschland, 13 June 2018
91.	C-98/17, Judgement of the Court (Second Chamber), Commission v. Bulgaria, 26 April 2018
92.	C-441/17, Judgement of the Court (Grand Chamber), Commission v. Poland, 17 April 2018

93.	C-323/17, Judgement of the Court (Seventh Chamber), People Over Wind, Peter Sweetman v. Coillte Teoranta, 12 April 2018
94.	C-504/14, Judgement of the Court (Fourth Chamber), Commission v. Greece, 10 November 2016
95.	C-243/15, Judgement of the Court (Grand Chamber), Lesoochránárske zoskupenie VLK v. Obvodný úrad Trenčín, 8 November 2016
96.	C-141/14, Judgment of the Court (Third Chamber), European Commission v Republic of Bulgaria, 14 January 2016
97.	C-43/10, Judgment of the Court (Grand Chamber), Nomarchiaki Aftodioikisi Aitolokarnanias and Others v Ipourgos Perivallontos, Chorotaxias kai Dimosion ergon and Others, 11 September 2012
98.	C-383/09, Judgement of the Court (Fourth Chamber), Commission v. France, 9 June 2011
99.	C-240/09, Judgement of the Court (Grand Chamber), Lesoochránárske zoskupenie VLK v. Ministerstvo životného prostredia Slovenskej republiky, 8 March 2011
100.	C-342/05, Judgement of the Court (Second Chamber), Commission v. Finland, 14 June 2007
101.	C-183/05, Judgement of the Court (Second Chamber), Commission v. Ireland, 11 January 2007
102.	C-221/04, Judgement of the Court (Second Chamber), Commission v. Spain, 18 May 2006
103.	C-98/03, Judgement of the Court (Second Chamber), Commission v. Germany, 10 January 2006
104.	C-209/02, Judgement of the Court (Second Chamber) Commission v Austria, 29 January 2004
105.	C-321/95 P, Judgement of the Court, Greenpeace and Others v. Commission, 2 April 1998

D. EU Policy documents, Guidelines and other relevant documents

106.	CURIA
107.	European Parliament: Nature restoration: Parliament adopts law to restore 20% of EU's land and sea, 27 February 2024
108.	Factsheet – Forest Monitoring Law, 22 November 2023
109.	Report on Forest Fires in Europe, Middle East and North Africa 2022, 22 November 2023
110.	European Commission, Guidelines on Biodiversity-Friendly Afforestation, Reforestation and Tree Planting, 17 March 2023
111.	European Commission - Guidelines for Defining, Mapping, Monitoring and Strictly Protecting EU Primary and Old-Growth Forests, 20 March 2023

112.	Factsheet: Nature Restoration Law, 22 June 2022
113.	European Green Deal: Commission proposes new strategy to protect and restore EU forests, 16 July 2021
114.	Factsheet: Nature and Forest Strategy, 14 July 2021
115.	Official Journal of the European Union, Managing Natura 2000 sites - The provisions of Article 6 of the Habitats Directive 92/43/EEC (2019/C 33/01)
116.	Maritime safety: new proposals to support clean and modern shipping
117.	Biodiversity Strategy for 2030
118.	Natura 2000 - The largest network of protected areas in the world
119.	Factsheet: The Zero Pollution Action Plan – Targets by 2030
120.	Precautionary Principle, Glossary of Summaries, EUR-lex, last visited 13 September 2024
121.	EEA Report: Executive Summary – European Climate Risk Assessment, January 2024
122.	Farm to Fork Strategy, European Commission, last visited 13 September 2024
123.	Sendai Framework for Disaster Risk Reduction 2015-2030
124.	'Tackling marine litter in the Atlantic Area' (CleanAtlantic) project, 25 August 2023
125.	The 8 th Environment Action Programme (EAP), 2 May 2022
126.	European Parliament resolution of 21 January 2021 on More fish in the seas? Measures to promote stock recovery above the maximum sustainable yield (MSY), including fish recovery areas and marine protected areas (2019/2162(INI))
127.	European Parliament resolution of 25 March 2021 on the impact on fisheries of marine litter (2019/2160(INI))
128.	European Commission: A Sustainable Europe by 2030, 30 January 2019
129.	Recommendation of the European Parliament and of the Council of 30 May 2002 concerning the implementation of Integrated Coastal Zone Management in Europe

E. EU Institutions, Agencies

130.	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
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	• Combating environmental crime • Wildlife Trade
131.	European Council and Council of the European Union
132.	European Parliament
133.	European Environment Agency (EEA)
134.	European Border and Coast Guard Agency (Frontex)
135.	Court of Justice of the European Union (CJEU)
136.	European Public Prosecutor's Office (EPPO)
137.	Europol • Environmental Crime • Illicit trafficking in endangered plant species and varieties • Illicit trafficking in endangered animal species • Secure Information Exchange Network Application (SIENA)
138.	European Union Agency for Law Enforcement Training (CEPOL)
139.	Eurojust • Environmental crime
140.	European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL)