

Case Study: “Too bad for the bats?”



Source: Von Jestr - Eigenes Werk, CC BY-SA 3.0, <https://commons.wikimedia.org/w/index.php?curid=50274769>

Scenario (C-399/14 strongly modified)

In 2016 the above shown bridge was planned. An expert assessment demonstrated that the existing populations of wild birds in the area will not at all be affected by the construction or the operation of the bridge. In the summer of 2017 the competent authority approved the project on the basis of the expert assessment and issued a building permit. At that time the area was already proposed as Site of Community Importance (pSCI). When the construction works were finished in March 2018 the site had been included in the Commission's list (SCI) and designated by the Member State as SAC which has - inter alia - the aim to protect the Bechstein's bat (*Myotis bechsteinii*). In April 2018 an environmental NGO (ENGO) claimed that the bats might be harmed by the traffic crossing the bridge permanently (24/7).



Source: Dietmar Nill - PLoS Computational Biology, July 2009

The ENGO brought an action seeking a court's decision to annul the issued building permit.

1. Do you have some basic knowledge on bats?

If not, perhaps your colleague has.

2. Will the action be successful?

Feel free to find different solutions by considering alternatives.

I am looking forward to our discussion!



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