

COOPERATION WITH NATIONAL JUDGES IN THE FIELD OF EU ENVIRONMENTAL LAW



Trainer's Manual National Judges and EU Water Legislation – Focus on access to justice Online workshop for national judges and prosecutors



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I. Introduction

This trainer's manual on the training module about **National Judges and EU Water Legislation – Focus on access to justice**, developed by ERA on behalf of the European Commission, addresses 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 in the area of EU environmental law and water legislation, with particular focus on access to justice.

Objectives

The training module addresses judges and prosecutors dealing with environmental issues with previous general, and in certain cases specific, knowledge regarding the subject. The module will provide judges and prosecutors with 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 EU water legislation. This training module will also assist national judges as well as prosecutors to apply the relevant EU instruments in detail.

The training module will gather materials to conceive a face-to-face workshop of 2.5 days or an online workshop, divided in four half-day sessions, with the goal to develop and raise understanding on the key legal aspects of EU water legislation. The key topics to be covered are:

- Scientific and technical aspects of water pollution
- Aims and main elements of the Water Framework Directive
- Nitrates Directive
- Water-related crimes
- Access to justice and litigation for water pollution
- Relevant CJEU case law
- Preliminary ruling procedure
- Case studies on the topics

After this training on National Judges and EU Water Legislation – focus on access to justice, participants will have greater knowledge of international and EU actors and instruments presented. They will have gained a better understanding of the legal aspects related to EU Water Legislation, and implementing EU instruments, and they will be in a better position to actively apply EU rules transposed into their respective national legislation. They will also have an excellent opportunity to exchange views regarding implementation practices in their respective Member States with colleagues from other jurisdictions.

Structure

The module on “National Judges and EU Water Legislation – Focus on access to justice” consists of 11 interrelated but self-standing 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.

Setting the scene

- Unit 1: Water pollution: a political, scientific and technical introduction
- Unit 2: Introduction to the framework of EU water law and policy

Water Framework Directive under Scrutiny

- Unit 3: Water Framework Directive (WFD)
- Unit 4: Case study on the main provisions of the Water Framework Directive

Discharges in Waters

- Unit 5: Nitrates Directive
- Unit 6: Water protection through criminal law
- Unit 7: Case study on a water pollution case – Focus on inspections and enforcement

Access to justice in Environmental Matters – Focus on water pollution

- Unit 8: Access to justice within the EU in cases relating to water protection (two parts)
- Unit 9: Case study on access to justice for citizens and NGOs in a nitrate water pollution case

Enforcement at National Level

- Unit 10: What is the role for a national judge in water pollution litigation? – preliminary reference
- Unit 11: Roundtable discussion on national experiences and practices relating to challenges in implementing EU water legislation

The various training methods that can be used in future workshops based on this material will also be presented in the module, together with recommendations on how and in which part of the training they may be best employed. Face-to-face presentations can also be combined with practical exercises requiring active contribution of participants, IT-supported learning, allowing participants to familiarise themselves with available tools and interactive sessions promoting the exchange of good practice and experience.

II. Methodology

Time frame

The workshop is divided in four sessions of half a day in its online format or lasts 2.5 days in its face-to-face setting. The exact structure and length will, of course, be decided by the training providers.

Elements that should be considered in each instance when finalising the workshop programme and deciding on the allocation of time between the different sub-sessions include the need to effectively cover all the main features of the subject matter and provide sufficient time for participants to ask questions and interact with the trainers and with each other. The fact that long sessions have proven to be less effective in adult training should be borne in mind. Frequent breaks or changes in teaching style should therefore be introduced in the workshop.

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

Trainer's profile

Crucial for the success of the training workshop is the selection of trainers. It has been proven that trainers with a professional background common to that of the participants tend to have a better understanding of their training needs and be more effective when addressing them. For this reason, the composition of the target group is a factor to be considered when selecting the trainers of an implementing workshop.

It is also important to identify the right trainer for each unit. In the units where the emphasis is on practical issues, the involvement of a practitioner, lawyer, or judge with personal experience in the issue would be ideal. If the focus of a presentation is the transmission of information or the introduction to concepts or a broader area of law, an academic or a suitable policy officer even with a scientific background could also constitute a good option.

➤ 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.

In addition to professional qualifications, the quality of an implementing workshop will also depend on the individual trainer's didactic competences and pedagogical skills. Trainers should not only be knowledgeable, but also be able to effectively transmit information, assist end users in developing new skills and motivate them to actively follow the training. They would have 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 end users attending the workshop as they become apparent, and be open and encouraging in discussing and exchanging views with them during the session.

Other skills that potential trainers should ideally possess, and which should be considered are the trainer's linguistic 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 should be sought. Variety between speakers' professional background, gender and (in the context of cross-border training) nationality would enrich the event, offering different perspectives on the issues, employing different teaching methods, and ensuring a more comprehensive analysis of water law.

Finally, although not always easy to assess, the potential trainer's personal motivation could be a factor 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 end users is expected from the trainers. Engaging experts, who have an interest in the project and are prepared to make the necessary effort for a successful outcome would bring added value to the workshop, while further motivating the participants.

Criteria for selecting the workshop trainers:

- Good knowledge and expertise in the subject and objectives of each sub-session
- Didactic competences and pedagogical skills
- Linguistic 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 provision of a large amount of information in a limited period of time 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 would not only enable participants to follow the presentation better, but also constitute a reference document for the future, should end users 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 could also be a means of emphasising the link between theory and practice and better illustrating the application of various legal instruments. Brief exercises or questions could also be formulated by the trainers, requiring participants to reflect and discuss them before presenting the answer. Trainers would, thus, not only create an

atmosphere of dialogue within the group, but also assess whether the concepts have been properly explained.

Time for discussion or Q&A sessions should in all cases be ensured for end users wishing to ask for clarification 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.

Although the key role in face-to-face presentations is played by the trainer, end users should also be encouraged to actively contribute to different sub-sessions. Participants learn not only from the provision of the training per se, but also from hearing questions and problems they have not yet found themselves confronted with. For this reason, it is important that all end users attending the workshop are encouraged and feel comfortable enough to share thoughts and ideas and contribute with their own experiences. This element is of particular importance in international workshops, where participants have the possibility to expand their knowledge with information on the application of EU environmental law in other Member States, learning from each other.

Workshop case studies

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

In order to further 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 having listened to face-to-face presentations or read background material, participants would 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 i. the main provisions of the Water Framework Directive, ii. a water pollution case - Focus on inspections and enforcement, and iii. access to justice for citizens and NGOs in a nitrate water pollution case.

A short introduction on the organisational aspects of the task shall be provided to participants by the trainer with the questions and answers session to be followed during the plenary session: which issues shall be discussed in the groups, what results shall be aimed for, and which deliverables shall be presented during the plenary session to be followed after the discussions.

Participants should subsequently be divided into smaller working groups and working space should be provided for each of them. Working in smaller groups has significant advantages for participants: the possibility to focus on case studies will enable them to deepen their recently acquired knowledge by applying it to concrete cases. This approximates a real-life scenario and can constitute 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 end users, it is important that the workshop leader allocates participants to the working groups to support this interaction: in international implementing workshops and as long as participants working languages allow it, end users from different Member States or from jurisdictions with different legal traditions should be brought together in the working groups. If a workshop is organised as a national judicial training, judges from different courts could be asked to work together. 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.

➤ As 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 interactivity.

The trainer shall set exact timing 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 have to decide whether all working groups should deal with all case studies or if specific case studies should be allocated to different groups to ensure that end users are able to thoroughly examine all issues.

Once the working groups have been set up, they should organise themselves, develop a working method and identify which member(s) of the group will be responsible for reporting the conclusions of their discussion to other end users. The trainer leading the exercise should be present and following the interaction in each group to a certain extent, offering advice on time management, being available to provide clarification and 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 should 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. It would be most effective to discuss one case at a time, invite the rapporteur of one of the groups to present their conclusions and the main elements of their discussion and then ask the end users of the other groups for additional comments, 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 can enhance the efficiency of training and give end users the opportunity to gain practical experience by making use of the possibilities the internet offers on issues related to environmental law in general. In this way end users will have the opportunity to become familiar with the various EU websites in the area (such as the E-Justice Portal, the EJTN website, Eur-Lex, the Curia website, ECLI etc.), where they can acquire further 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.

Roundtable discussion: National experiences and practices

The exchange of experiences among participants is one of the valuable experiences of the workshop. It enhances the efficiency of training by enabling participants to share perspectives and learn from each other practices, thus being in contact with real-life cases that otherwise they would not have contact with. Especially in international implementing workshops, the participants can be exposed to real scenarios in the context of the different Member States implementing EU law. Bearing that in mind, a roundtable discussion, based on the participants' national own experiences relating to the challenges in implementing EU water legislation, is employed.

The discussions are based in a survey applied with the participants, which assesses:

1. Participants' profile (mainly Member State)
2. What are the main sources of unlawful levels of water pollution in your Member State? (closed question)
3. Are there particular areas in your country that are significantly affected by water pollution? (closed question)
4. Were there pre-existing national laws relating to water quality standards (similar to the WFD)? (closed question)
5. Have EU infringement proceedings been brought against your Member State for failure to comply with the WFD? (closed question)
6. How are WFD water quality standards implemented in law in your Member State (what is the legal form)? (open question)
7. Which public bodies have legal responsibilities for meeting water quality standards in your Member State? (open question)
8. Does your Member State have a national River Basin Management Plan as requested on basis of the WFD? (closed question)
9. Whether or not your Member State has a national River Basin Management Plan, has any of the following measures that contribute towards compliance with EU water quality standards been implemented in your Member State. 11 potential measures are displayed for indication. (closed question)
10. What is the primary mode for enforcing water quality law in your Member State? (open question)
11. Have there been court cases concerning the enforcement of water legislation in your Member State? (closed question)
12. Who are the claimants in these cases? (closed question)

13. Please outline any other major challenges faced in your Member State for enforcing the WFD, or any other applicable water quality law. (open question)
14. According to your experience, how could the enforcement of water quality legislation be strengthened at domestic level? (closed question)

The structure and functioning of the roundtable are explained briefly to the participants on the first day of the workshop, when the anonymous survey is made available to each of them. The participants are also informed about the deadline for submitting their answers. After the deadline passes, the workshop leader processes the acquired data and prepares a presentation with a summary of the findings, which will be the basis for the roundtable discussions among the participants, mediated by the trainer. Depending on the level of engagement of the participants while the trainer is presenting the results, they may or may not be divided into subgroups before a final exchange of national viewpoints in plenary. The trainer and the workshop leader should assess which approach is better indicated to each specific group.

The roundtable also counts with a second part, consisting of a real-life scenario related to water quality, followed by short questions to stimulate further discussions. The second part is only applied if the trainer believes that it would fit as complement for the particular group.

Documents

The documents to be made available at the training workshop consist of the contents of the user's pack. The user's pack will, in particular, include:

- 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' means the entire wealth of material that will be made available to participants of an implementing workshop. This will consist mostly of the blended e-learning material, training material (related printed 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 organisers 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 National Judges and EU Water Legislation – Focus on Access to Justice 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, either using a USB stick or 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 proceedings should be provided in a hardcopy for ease of reference during the event:

- workshop programme;
- list of participants;
- list of trainers/ speakers;
- trainers' contributions;
- printed texts of the legal acts to be analysed;
- case studies;
- evaluation forms.

- When presenting the material that should accompany each unit, distinction should be made between 'necessary material' to be provided in hardcopy and 'additional material' that should 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 the meeting, 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 EU Water Legislation.

The key function of this e-learning material is to introduce end users to a number of legal topics regarding various aspects of EU Water Legislation. Namely, political, scientific and technical aspects of water pollution, aims and main elements of the Water Framework Directive (WFD) and Nitrates Directive, water protection through criminal law, access to justice and water protection cases across EU, relevant CJEU case law, and preliminary ruling procedure.

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, as well as the corresponding quiz to test their knowledge. 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.
- 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 re-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 7-10 days before the implementation of the workshop. In this way, they will have the possibility to refresh or acquire some basic knowledge and be better 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. will constitute the background to analysis in the workshop. A comprehensive collection of all background documents, which can be referred to 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.

Further to legal texts, links to online databases, tools and sources, such as the e-justice portal, Eur-Lex, Curia, ECLI and other similar websites should also 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.

The material should 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 end users can access EU legal texts in the

language of their choice. Further to their inclusion in the electronic documentation, providing the few documents in hard copy that are absolutely essential during the workshop is recommended. Being able to quickly find a provision, see the structure of a legal instrument, make notes etc. could help end users to better follow the training and further familiarise themselves with the legal instruments being discussed.

Workshop exercise material

Four workshop exercises are proposed for the workshops implementing the training module on 'National Judges and EU Water Legislation'. Three of them 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. The fourth one is a roundtable based on a survey answered by the participants in the first days of the workshop.

Trainer's contributions

In addition to the background documents, every time an implementing workshop on 'National Judges and EU Water Legislation – Focus on access to justice' is organised, the trainers involved should be asked to prepare their own supporting material, in the form of PowerPoint presentations, outlines, notes or full texts of their lectures. Trainers should be free to structure the material supporting their presentations as they prefer. The main objective would be to help end users attending the workshop to better 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 questions and answers session during the presentation or if an unplanned discussion evolves.

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

Speakers' contributions should additionally be included in the user's pack. They should also be included in hardcopy in the documentation pack.

- Providing some kind of 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, allowing participants to plan accordingly and better understand the training flow. A list of all workshop participants should be provided, facilitating the interaction between end users attending the workshop. Moreover, by including certain contact details (professional position and postal

address) participants are given the opportunity to maintain contact even after the conclusion of the workshop. Finally, to achieve an immediate evaluation of the workshop, a questionnaire seeking participant feedback on the workshop content, organisational features and overall effectiveness shall be distributed.

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

For the training module on ‘National Judges and EU Water Legislation – Focus on access to justice’ and its implementing workshops, a structure based on thematic units is proposed. 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 will, however, have to be decided by taking into consideration end users’ prior knowledge and training priorities.

Setting the scene

- Unit 1: Water pollution: a political, scientific and technical introduction
- Unit 2: Introduction to the framework of EU water law and policy

Water Framework Directive under Scrutiny

- Unit 3: Water Framework Directive (WFD)
- Unit 4: Case study on the main provisions of the Water Framework Directive

Discharges in Waters

- Unit 5: Nitrates Directive
- Unit 6: Water protection through criminal law
- Unit 7: Case study on a water pollution case – Focus on inspections and enforcement

Access to justice in Environmental Matters – Focus on water pollution

- Unit 8: Access to justice within the EU in cases relating to water protection (two parts)
- Unit 9: Case study on access to justice for citizens and NGOs in a nitrate water pollution case

Enforcement at National Level

- Unit 10: What is the role for a national judge in water pollution litigation? – preliminary reference
- Unit 11: Roundtable discussion on national experiences and practices relating to challenges in implementing EU water legislation

Setting the scene

Short description of the contents

The workshop should always start 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, shall be an expert on the topic (a judge, a legal practitioner or an academic) and who 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 duplicating each other and also helping in implementing a workshop, if needed).

Introduction of participants and trainers

The opening session should also be used to allow participants to introduce themselves, present their national and professional background, and illustrate their expectations for the workshop. In this way, end users will be familiar with addressing the group, which should facilitate their active participation in the following sessions, and they will also get to know their colleagues' background a little better. Making trainers and participants aware of which nationalities and professional groups are represented in the workshop can be of great relevance in the discussion and an asset in ensuring effective exchange of information and experience. The possibility to discover from participants the experience which they bring with them to the training course and what they are primarily seeking to achieve by their participation could help the workshop leader to better adapt the programme to meet participants' specific 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 should 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 to be better equipped to follow the discussions and make sure they do not miss the opportunity to raise questions or clarify any ambiguity.

Presentation of the training material

The opening session is also the opportunity to present the material included in the user's pack and explain its function, so that end users may use it throughout 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 provided on the documents that will have been made available to the participants in hardcopy for reference during the workshop (e.g. trainers presentations and outlines, key legal texts, the case studies for the workshop exercises, documents such as the list of participants, the workshop assessment tools etc.).

Presentation of the workshop's organisational aspects

Further to this, all logistical aspects 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, the possibility to use computers, Wi-Fi, a library, a business station etc. laid out and information on the lunches organised and dinners provided. It is important here to ensure that end users are reminded of and are able to profit 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.

Duration

The time allocated to the opening session will depend 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 (to be made available in hardcopy during the sub-session):

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

The training manager should demonstrate the entire user 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 would be an added value in assigning the role of the 'workshop manager' to the person responsible for the organisation of the workshop. He or she 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: Water pollution: a political, scientific and technical introduction

Short description of content and general objectives

The aim of this unit is to introduce political, scientific, and technical aspects of water pollution. The presentation starts with a general overview regarding the extraction from sources and water management. It provides information concerning freshwater withdrawal, groundwater depletion, saltwater intrusion, urban flooding, and the impact to receiving waters. Additionally, the presentation explains some types of wastewaters, such as grey water and agricultural wastewater and continues with water management and ecosystem services. With such an overview, participants will have keys to understand why waters need to be regulated and what are the major issues that need to be dealt with in European water legislation.

Specific learning points

- Water pollution
 - Extraction from sources and water management
 - Freshwater withdrawal by sector
 - Major issues
- Wastewater
 - Grey water
 - Agricultural wastewater
- Water Management and ecosystem services
 - Need of integration of policies
 - Legal and Institutional Framework

Methodology

This unit should be conducted as a frontal presentation in plenary session, either online or in person. There will be sufficient time 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 30 minutes.

Documentation

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

01	PowerPoint Presentation: "Water Management and Water pollution: a political, scientific and technical introduction"
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Trainer's profile

The ideal speaker has scientific knowledge and expertise with working with measurements of water pollution data, or a political or technical background in the context of water pollution. There is no need for legal background in this case, as the focus is on water pollution from a political, scientific, and technical perspective and not the legal provisions regarding such a problem.

Unit 2: Introduction to the framework of EU water law and policy

Short description of content and general objectives

The general objective of this presentation is to introduce the participants to the different EU legislations dealing with water law in the EU legal system. The presentation starts with an overview of all relevant water legislation, and then explains the specific legislative tools briefly: Urban Waste Water Treatment Directive, Nitrates Directive, Drinking Water Directive, Directive concerning the management of bathing water quality, Industrial Emissions Directive, Water Framework Directive, Ground Water Directive, Environmental Quality Standards Directive, Floods Directive and Marine Strategy Framework Directive.

Specific learning points

- Overview of the main legal instruments regarding water law
- Specific EU water legislative tools
 - Urban Waste Water Treatment Directive
 - Nitrates Directive
 - Drinking Water Directive
 - Directive concerning the management of bathing water quality
 - Industrial Emissions Directive
 - Water Framework Directive
 - Ground Water Directive
 - Environmental Quality Standards Directive
 - Floods Directive
 - Marine Strategy Framework Directive

Methodology

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

Time frame

The time allocated to this unit should be approximately 60 minutes but should be organized in a way that there is time left for questions and discussions.

Documentation

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

01	PowerPoint Presentation: "What is water legislation about?"
02	Urban Waste Water Treatment Directive (91/271/EEC)

03	Nitrates Directive (91/676/EEC)
04	Drinking Water Directive (2020/2184/EU)
05	Directive concerning the management of bathing water quality (Directive 2006/7/EC)
06	Industrial Emissions Directive (2010/75/EU)
07	Water Framework Directive (2000/60/EC)
08	Ground Water Directive (2006/118/EC)
09	Environmental Quality Standards Directive (2008/105/EC)
10	Floods Directive (2007/60/EC)
11	Marine Strategy Framework Directive (2008/56/EC)

Trainer's profile

An ideal speaker is a representative of the European Commission with expertise in this field.

Unit 3: Water Framework Directive (WFD)

Short description of content and general objectives

The general objective of this presentation is to provide an in-depth understanding of the Water Framework Directive (WFD), its main objectives and key features, Article 4, the river basin management plan, review of permits, exceptions and CJEU case law. Thus, the presentation provides information on the five main elements of the Water Framework Directive, the reports on the implementation and the relevance of judges in EU water legislation.

Specific learning points

- Water Framework Directive: a paradigm shift
- Water Framework Directive: the five main elements
 - Ambitious objectives & general obligations
 - Key specific obligations on Member States
 - Directions for water protection & combined approach to discharges
 - River basin district, multilevel governance, information and public participation
 - Less stringent environmental objectives, exemptions and deadline postponement
- Reports on the implementation of WFD
- EU Water Legislation and Judges: a key contribution

Methodology

This unit should be conducted as a frontal presentation in plenary session, either online or in person. The scope of this unit is not large but can be rather confusing for judges with no experience in the field, especially given the short duration of the unit. Therefore, the speaker should focus more on the principles and relationship between various provisions instead of reading the parts of the EU provisions word by word. It is recommended to ask the audience whether the slides are understood correctly and leave some time even during the presentation for questions and remarks from the audience. Also, it is recommended that the case law is presented clearly so the audience understand how to apply the key features, especially the relevant problems.

Time frame

The time allocated to this unit should be approximately 45 minutes, leaving time for questions and comments from the participants.

Documentation

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

01	PowerPoint Presentation: "Water Framework Directive under Scrutiny"
02	Water Framework Directive (2000/60/EC)

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

	EU legislation and documents
01	Birds and Natural Habitats Directive (92/43/EEC)
02	Environmental Impact Assessment Directive (2014/52/EU)
03	Seveso Directive (2012/18/EU)
04	Sewage Sludge Directive (86/278/EEC)
05	Plant Protection Products Directive (1107/2009/EC)
06	IPCC Directive (2008/1/EC)
07	Ground Water Directive (2006/118/EC)
07	Environmental Quality Standards Directive (2008/105/EC)
09	Nitrates Directive (91/676/EEC)
10	Urban Waste Water Treatment Directive (91/271/EEC)
11	Directive concerning the management of bathing water quality (Directive 2006/7/EC)
	Case Law
01	C-461/13, EU:C:2015:433, Bund für Umwelt und Naturschutz Deutschland
02	C-535/18, EU:C:2020:391, IL and Others v Land Nordrhein-Westfalen
03	C-559/19, EU:C:2021:512, European Commission v Kingdom of Spain
04	C-664/15, EU:C:2017:987, Protect Natur-, Arten- und Landschaftsschutz Umweltorganisation
05	C-43/10, EU:C:2012:560, Nomarchiaki Aftodioikisi Aitolokarnanias and Others
06	C-121/21, EU:C:2022:74, Czech Republic v Poland (Mine de Turów)

Trainer's profile

The ideal speaker is someone with knowledge in the practical application of the Directive and the corresponding case law of the CJEU, either from judiciary or academia.

Unit 4: Case study on the main provisions of the Water Framework Directive

Short description of the contents and general objectives

In this unit a case study will be presented. It is a fictional case, which will help the participants to deepen their knowledge regarding the implementation of the EU Water Framework Directive. Different approaches and constructions might be used, and in the example here a fictional company has been granted permission to operate an aquaculture farm close to a Natura site. An environmental NGO has then brought an application to the administrative Court for the annulment of the operating permit decision by claiming non-compliance with Article 4, 5, 11, 14 of the WFD. Thus, the participants should analyse the case basing on the Water Framework Directive, discussing mainly the scope of Article 4 and the consideration of short-term temporary negative impacts on the state of water bodies. They are further asked about the invocation of the Aarhus Convention and the possibilities of challenging non-compliance with the obligation to prevent deterioration of water bodies.

Specific learning points / questions raised for the case study

- Water Framework Directive's elements, conditions, and other key features
- Article 4 of the WFD
- Consideration of short-term temporary negative impacts on the state of water bodies
- Obligation to prevent deterioration of water bodies

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 national (procedural) law. After the group discussion, participants will return to the plenary. Each group will have a rapporteur to explain the results of their discussion, trainer will comment on their findings, and the group has an opportunity for further discussions.

Duration

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

Documentation

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

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

01	Water Framework Directive (2000/60/EC)
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Trainer profile

Continuous training of judges 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 experienced in administrative justice or an experienced professor of environmental law.

Unit 5: Nitrates Directive

Short description of content and general objectives

The aim of this unit is to provide an in-depth understanding of the Nitrates Directive, its basic concepts, main provisions, and CJEU case law. The presentation starts with explaining the background of the directive, and names health and nature protection as the main reasons for the need of regulating nitrate. Then, it gives an overview of the Nitrates Directive by focusing on the topics: Identification of water bodies, designation of nitrate vulnerable zones, code(s) of good agricultural conduct, action programmes, and national monitoring and reporting. The presentation also mentions requirements for the implementation of the Nitrates Directive in the member states. Finally, access to justice in related case law is discussed.

Specific learning points

- The regulation of nitrates in EU law
- Overview of the Nitrates Directive
 - Identification of water bodies
 - Designation of nitrate vulnerable zones
 - Code(s) of good agricultural conduct
 - Action Programmes
 - National monitoring and reporting
- Requirements for the implementation of the Nitrates Directive in the MS
- Access to justice

Methodology

This unit should be conducted as a face-to-face frontal presentation in a plenary session, either online or in person. Some concept aspects may be a bit confusing, so time for questions and discussions should be given even during the presentation, and some practical application should be clarified.

Time frame

The time allocated to this unit should be approximately 55 minutes, leaving time for questions and comments from the participants.

Documentation

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

01	PowerPoint Presentation: "Nitrates Directive"
02	Nitrates Directive (91/676/EEC)

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

	EU legislation and documents
01	Drinking Water Directive (2020/2184/EU)
02	Urban Waste Water Treatment Directive (91/271/EEC)
03	Water Framework Directive (2000/60/EC)
04	Ground Water Directive (2006/118/EC)
05	Marine Strategy Framework Directive (2008/56/EC)
06	Birds and Natural Habitats Directive (92/43/EEC)
	Case Law
01	C-258/00, EU:C:2002:400, Commission v France
02	C-293/97, EU:C:1999:215, Standley
03	C-149/14, EU:C:2015:264, Commission v Greece
04	C- 221/03, EU:C:2005:573 Commission v Belgium
05	C-396/01, EU:C:2004:136, Commission v Ireland
06	C-237/12, EU:C:2014:2152, Commission v France
07	C-322/00, EU:C:2003:532, Commission v Netherlands
08	C-543/16, EU:C:2018:481, Commission v Germany
09	C-197/18, EU:C:2019:824, Wasserleitungsverband Nördliches Burgenland and Others
10	C-723/17, EU:C:2019:533, Craeynest and Others

Trainer's profile

The ideal speaker is someone with knowledge in the practical application of the Directive and the corresponding case law of the CJEU, either from judiciary, academia, or from national governmental bodies.

Unit 6: Water protection through criminal law

Short description of content and general objectives

The general objective of this presentation is to provide an understanding for water protection through criminal law. It analyses key features and modus operandi of water crimes, and provides information regarding investigation, prosecution and adjudication of such crimes. Thus, the presentation first presents water resources offences and shows a list of possible evidence in water resources cases. It continues with water quality offenses and gives a comprehensive overview of the investigation and the role of evidence in water quality cases. It ends with ways of recovery and remediation and raises the question if penalties and sanctions within member states are sufficient.

Specific learning points

- Water Resources
 - Water resources offenses
 - Evidence in water resources cases
- Water Quality
 - Water quality protection
 - Licence conditions
 - Water quality offenses
 - Evidence in water quality cases
 - Investigation and modus operandi
- Strategies for serious and organized crimes
- Recovery and remediation

Methodology

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

Time frame

The time allocated to this unit will be approximately 60 minutes.

Documentation

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

01	PowerPoint Presentation: "Protection of Water Resources & Water Quality: Prosecution of relevant offences"
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Trainer's profile

An ideal speaker is a prosecutor with experience in environmental cases. An experienced professor or a practitioner in criminal law can also be a good option.

Unit 7: Case study on a water pollution case - Focus on inspections and enforcement

Short description of content and general objectives

In this unit a case study will be presented. It is a fictional case, which will help the participants to understand and discuss water legislation and its inspections and enforcement. For example, in this case, a fictional company wants to intensify its existing ferry service and use much bigger boats which only will be possible if a river is deepened. In scenario 1 of the case study, participants will discuss if a claim of the involved river company against the competent administrative court for administrative silence will be successful. Scenario 2 of the case study makes participants examine whether the claim of a local NGO against the permit is admissible and will be successful. Thus, the participants are invited to reflex, mainly about: (i) application for interim relief, (ii) admissibility of an act or claim, (iii) direct effect of the WFD, (iv) deterioration of water quality under Article 4 of the WFD. They are also invited to give other participants some input on their respective domestic laws and jurisprudence in this context.

Specific learning points / questions raised for the case study

- Application for interim relief
- Admissibility of an act or claim
- Direct effect of the WFD
- Deterioration of water quality under Article 4 of the WFD

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 national (procedural) law. After the group discussion, participants will return to the plenary. Each group will have a rapporteur to explain the results of their discussion, trainer will comment on their findings, and the group has an opportunity for further discussions.

Time frame

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

Documentation

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

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

01	PowerPoint Presentation: Case Study
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Trainer's profile

Continuous training of judges 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 experienced in administrative justice or an experienced professor of environmental law.

Unit 8: Access to justice within the EU in cases relating to water protection

Short description of content and general objectives

The general objective of this presentation is to raise the awareness of the Aarhus / EU law aspects related to access to justice specifically concerning water protection. The relevant aspects of the Aarhus Convention, ECHR framework, and other related legislation and policies are, then, presented. The approach of the presentation is very practical, presenting diverse case law from the CJEU. The purpose is also to enable the audience to participate actively and exchange experiences in the field. Thus, leading CJEU-Judgments and tendencies – such as judicial review at the national level – are discussed.

Specific learning points

- Aarhus Convention
- Commission Notice on Access to Justice in Environmental Matters
- Legal standing
 - Key principles
 - Case law of the CJEU
- Intensity of judicial review of water-related cases
- Adequate and effective remedies
 - Key principles
 - Case law from the CJEU
- Obligations of the national courts in the matter
 - Interpretation
 - Effectiveness
 - Preliminary reference

Methodology

This unit should be conducted as a face-to-face frontal 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 will be approximately 120 minutes and should include some time for discussion with the participants as well as for a 15 minutes break around the middle of the presentation.

Documentation

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

01	PowerPoint Presentation: “Access to justice within the EU in cases relating to water protection (parts I and II)”
02	Aarhus Convention
03	Commission Notice on Access to Justice in Environmental Matters C(2017)2616 final

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

	EU legislation and documents
01	Environmental Impact Assessment Directive (2011/92/EU)
02	Industrial Emissions Directive (2010/75/EU)
03	Environmental Liability Directive (2004/35/CE)
05	Habitats Directive
06	Nitrates Directive (91/676/EEC)
07	Treaty on the Functioning of the European Union
	Case Law
08	CJEU, VÍTKOVICE STEEL – Czechia (C-524/20)
09	CJEU, Joined Cases C-177/19 P to C-179/19 P - Allemagne - Ville de Paris and Others v Commission
10	CJEU, Janecek (C-237/07)
11	CJEU, ClientEarth (C-404/13)
12	CJEU, Folk (C-529/15)
13	CJEU, Protect Natur-, Arten- und Landschaftschutz Umweltorganisation (C-664/15)
14	CJEU, Land Nordrhein-Westfalen (C-535/18)
15	CJEU, Wasserleitungsverband Nördliches Burgenland and Others (C-197/18)
16	CJEU, Commission v Germany (C-137/14)
17	CJEU, Stichting Varkens in Nood and Others (C-826/18)

18	CJEU, Klohn (C-167/17)
19	CJEU, North East Pylon (C-470/16)
20	CJEU, Puškár (C-73/16)
21	CJEU, East Sussex (C-71/14)
22	CJEU, Gruber (C-570/13)
23	CJEU, Mellor (C-75/08)
24	CJEU, Inter-Environnement Wallonie (C-41/11)
25	CJEU, Leth (C-420/11)
26	CJEU, Vereniging Hoekschewaards Landschap (C-281/16)
27	CJEU, Joined Cases C-165/09, C-166/09 and C-167/09
28	CJEU, Craeynest and Others (C-723/17)
29	CJEU, Deutsche Umwelthilfe (C-873/19)
30	CJEU, Ministre de la Transition écologique a Premier ministre (C-61/21)
31	CJEU, Association France Nature Environnement (C-525/20)
32	CJEU, Commission v Bulgaria (C-510/20)
33	CJEU, Commission v Spain (C-278/01)
34	CJEU, Deutsche Umwelthilfe (C-752/18)
35	CJEU, Lyckeskog (C-99/00)
36	CJEU, Cartesio (C-210/06)
37	CJEU, Consorzio Italian Management e Catania Multiservizi and Catania Multiservizi (C-561/19)
38	CJEU, Commission v France (C-416/17)
39	CJEU, Standley (C-293/97)
40	CJEU, Eco-Emballages (Joined Cases C-313/15 and C-530/15)
41	CJEU, Vereniging Hoekschewaards Landschap (C-281/16)
42	CJEU, T & L Sugars and Sidul Açúcares v Commission (C-456/13 P)

43	CJEU, FBF v ACPR (C-911/19)
44	CJEU, Administración General del Estado (C-679/20)
45	CJEU, Belgium v Commission (C-16/16 P)
46	CJEU, Commission v Council (C-122/94)
47	CJEU, Alliance for Natural Health and Others (C-154/04)
48	CJEU, National Association of Health Stores and Others (C-155/04)
49	CJEU, Eurobolt (C-644/17)
50	ECHR, Sporrang and Lönnroth v Sweden, 7152/75
51	ECHR, Taşkın and Others v Turkey, 46117/99
52	ECHR, Dzemyuk v. Ukraine, 42488/02
53	ECHR, Solyanik v. Russia, 47987/15
54	ECHR, Tătar v. Romania (2009)
55	ECHR, Cordella and Others v. Italy (2019)

Trainer's profile

An ideal speaker is a professor or a practitioner. Emphasis should be placed on how the practical aspects of litigation procedures are relevant for an adequate access to justice in environmental matters and, specifically, regarding water quality.

Unit 9: Case study on access to justice for citizens and NGOs in a nitrate water pollution case

Short description of content and general objectives

In this unit a case study will be presented. It is a fictional case, which will help the participants to understand and discuss various aspects of access to justice for citizens and NGOs in cases related to water pollution. For example, in this case a fictional lake has suffered from severe eutrophication the last three years. Even though the lake has seen a huge increase of algae and a significant loss in fish fauna, it has not been identified as a water body at risk and is not part of an Nitrate Vulnerable Zone (NVZ). Thus, the participants should analyse the case basing on the Nitrates Directive, discussing mainly the standing of a local fisherman who owns the fishing rights to the lake, and an environmental NGO. They are also asked to reflex about the possibility of the claimants to ask for the designation of a NVZ and an updated Action Programme.

Specific learning points

- Access to justice for citizens and NGOs in cases relating to water pollution
- Applicability of the Nitrates Directive
- Legal standing
- Designation of an NVZ
- Action Programme

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. After the group discussion, participants will return to the plenary. Each group will have a rapporteur to explain the results of their discussion, trainer will comment on their findings, and the group has an opportunity for further discussions.

Time frame

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

Documentation

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

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

01	PowerPoint Presentation: “Nitrates Directive – Case study”
02	Nitrates Directive (91/676/EEC)

Trainer’s profile

Continuous training of judges 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 experienced in administrative justice or an experienced professor of environmental law or a lawyer experienced in cases like this. An NGO lawyer might be a suitable expert as well.

Unit 10: What is the role for a national judge in water pollution litigation? – preliminary reference

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 explain the importance of preliminary 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 the EU Water Legislation at national level. 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.

Specific learning points

- The Role of the National Judge
- The WFD and the National Judge
- Preliminary reference procedure

Methodology

This unit should be conducted as a face-to-face frontal 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 will be approximately 75 minutes and should include time for discussion and experience exchange with the participants.

Documentation

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

01	PowerPoint Presentation: "What is the role for a national judge in water pollution litigation? –preliminary reference"
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Additional material (to be included in the electronic documentation):

	EU legislation and documents
01	Water Framework Directive (2000/60/EC)
	Case Law
01	CJEU, Bund für Umwelt und Naturschutz Deutschland (Weser) (C-461/13)

02	CJEU, Pfeiffer (C-397/01)
03	CJEU, Van Gend & Loos (Case 26-62)
04	CJEU, Van Duyn (Case 41-74)
05	CJEU, Faccini Dori (C-91/92)
06	CJEU, Großkrotzenburg (C-431/92)
07	CJEU, Delena Wells (C-201/02)
08	CJEU, Cilfit (C-283/81)
09	CJEU, Cartesio (C-210/06)
10	CJEU, Parfums Christian Dior (C-337/95)
11	CJEU, Foto-Frost (C-314/85)
12	CJEU, Consorzio Italian Management (C-561/19)
13	CJEU, Viesgo Infraestructuras Energéticas (C-683/19)

Trainer's profile

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

Unit 11: ROUNDTABLE DISCUSSION on national experiences and practices relating to challenges in implementing EU water legislation

Short description of content and general objectives

The general objective of this unit is to enhance the exchange of experiences among participants. It enables them to share perspectives and learn from each other's practices, thus being in contact with real-life cases that otherwise they would not have contact with. The roundtable discussion is, thus, based on the participants' own national experiences relating to the challenges in implementing EU water legislation. Those experiences are previously collected through the application of a survey among the participants.

Specific learning points/ questions raised for discussion

In participants' Member States

- Main sources of unlawful levels of water pollution
- Areas that are significantly affected by water pollution
- Pre-existing national laws relating to water quality standards (similar to the WFD)
- EU infringement proceedings brought against the Member State for failure to comply with the WFD
- How are WFD water quality standards implemented in national law
- Which public bodies have legal responsibilities for meeting water quality standards in the Member State
- Existence or not of a national River Basin Management Plan as requested on basis of the WFD
- National court cases concerning the enforcement of water legislation and who are the claimants

Methodology

This unit should be conducted as a face-to-face frontal presentation in plenary session, either online or in person. The core aspect here is that the participants discuss around the survey's results presented by the instructor. If needed, the roundtable may also count with a second part, consisting of a real-life scenario related to water quality, followed by short questions to stimulate further discussions.

Time frame

The time allocated to this unit will be approximately 75 minutes.

Documentation

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

01	Results of the survey
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Trainer's profile

An ideal speaker is a judge with experience in environmental cases. An experienced professor or a practitioner can also be a good option.

Unit 12: 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 the 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 approx. 20-30 minutes.

Documentation

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

01	Evaluation form
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Trainer profile

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

Annex I: Template indicative workshop programme

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

A. General overview of European Environmental law

<u>I. EU Documents</u>
<u>Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union (OJ C 202, 07.06.2016)</u>
<u>COM(2019)640 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, The European Green Deal, 11 December 2019</u>
<u>COM(2017) 198 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, An Action Plan for nature, people and the economy, 27 April 2017</u>
<u>COM(2017) 63 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "The EU Environmental Implementation Review: Common challenges and how to combine efforts to deliver better results", 3 February 2017</u>
<u>Annex "Guidance to Member States: Suggested Actions on Better Environment", 3 February 2017</u>
<u>COM(2016) 739 final, Commission Communication, Next steps for a sustainable European future; European action for sustainability, 22 November 2016</u>
<u>COM(2016) 316 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "Delivering the benefits of EU environmental policies through a regular Environmental Implementation Review", 27 May 2015</u>
<u>DECISION No 1386/2013/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet'</u>

<u>COM(2012) 95 final, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - Improving the delivery of benefits from EU environment measures: building confidence through better knowledge and responsiveness, 7 March 2012</u>
<u>COM(2011) 244 final , Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, "Our life insurance, our natural capital: an EU biodiversity strategy to 2020", 3 May 2011</u>
<u>COM (2000) 1 final, Communication from the Commission on the Precautionary Principle, 2 February 2000</u>
<u>Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment</u>
<u>II. International Documents</u>
<u>Cartagena Protocol on Biosafety to the Convention on Biological Diversity, 2000</u>
<u>Rio Declaration on Environment and Development 1992</u>
<u>Convention on conservation of migratory species of wild animals (Bonn Convention)</u>
<u>Convention on the Conservation of European Wildlife and Natural Habitats, 1979</u>
<u>Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Washington, 1973 (with amendments)</u>
<u>Convention on wetlands of international importance especially as waterfowl habitat 1971 (Ramsar Convention)</u>
<u>UN Convention on Biological Diversity</u>
<u>III. EU Case law</u>
<u>1. General principles of European environmental law</u>

<u>C-238/20 Judgment of the Court (Third Chamber) of 27 January 2022, 'Sātiņi-S' SIA</u>
<u>C-752/18, Judgment of the Court (Grand Chamber) of 19 December 2019 Deutsche Umwelthilfe eV v Freistaat Bayern</u>
<u>Joined Cases C-78/16 and C-79/16 JUDGMENT OF THE COURT (First Chamber) 9 June 2016, Giovanni Pesce and Others (C-78/16), Cesare Serinelli and Others (C-79/16) v Presidenza del Consiglio dei Ministri (C-79/16)</u>
<u>T-433/13 JUDGMENT OF THE GENERAL COURT (Seventh Chamber) 5 May 2015, Petropars Iran Co and others v Council of the European Union</u>
<u>T-584/13 JUDGMENT OF THE GENERAL COURT (First Chamber, Extended Composition) 17 May 2018, BASF Agro BV v. European Commission</u>
<u>T-429/13 and T-451/13 JUDGMENT OF THE GENERAL COURT (First Chamber, Extended Composition) 17 May 2018, Bayer CropScience AG and Syngenta Crop Protection AG v European Commission</u>
<u>C-269/13 Judgment of the Court (Sixth Chamber) 10 April 2014 P, Acino AG</u>
<u>C-521/12 Judgment of the Court (Second Chamber) of 15 May 2014 T. C. Briels and Others v Minister van Infrastructuur en Milieu</u>
<u>T-333/10 JUDGMENT OF THE GENERAL COURT (First Chamber) 16 September 2013, Animal Trading Company (ATC) BV and others v European Commission</u>
<u>T-257/07 JUDGMENT OF THE GENERAL COURT (Third Chamber, Extended Composition) 9 September 2011, French Republic v European Commission</u>
<u>C-343/09 Judgment of the Court (Fourth Chamber) of 8 July 2010, Afton Chemical Limited v Secretary of State for Transport</u>
<u>C-77/09 Judgment of the Court (Second Chamber) of 22 December 2010 Gowan Comércio Internacional e Serviços Lda v Ministero della Salute</u>
<u>T-37/04 Judgment of the Court of First Instance (Third Chamber) of 1 July 2008, Região autónoma dos Açores v Council of the European Union</u>

<u>T-13/99 Judgment of the Court of First Instance (Third Chamber) of 11 September 2002, Pfizer Animal Health SA v Council of the European Union</u>
<u>C-180/96 Judgment of the Court of 5 May 1998, United Kingdom of Great Britain and Northern Ireland v Commission of the European Communities</u>
<u>C-341/95 Judgment of the Court of 14 July 1998, Gianni Bettati v Safety Hi-Tech Srl.</u>
<u>C-233/94 Judgment of the Court of 13 May 1997, Federal Republic of Germany v European Parliament and Council of the European Union</u>
2. Origins and sources of European Environmental Law
<u>C-439/05 P Judgment of the Court (Third Chamber) of 13 September 2007, Land Oberösterreich and Republic of Austria v Commission of the European Communities</u>
<u>C-176/03, Judgment of the Court (Grand Chamber) of 13 September 2005, Commission of the European Communities v Council of the European Union</u>
<u>C-6/03 Judgment of the Court (First Chamber) of 14 April 2005, Deponiezweckverband Eiterköpfe v Land Rheinland-Pfalz</u>
<u>C-270/03 Judgment of the Court (Third Chamber) of 9 June 2005, Commission of the European Communities v Italian Republic</u>
<u>C-337/89 Judgment of the Court of 25 November 1992, Commission of the European Communities v United Kingdom</u>
<u>C-240/83 Judgment of the Court of 7 February 1985, Procureur de la République v Association de défense des brûleurs d'huiles usagées (ADBHU)</u>
<u>C-92/79 Judgment of the Court of 18 March 1980, Commission of the European Communities v Italian Republic</u>
3. The relationship between European and National Environmental Law
<u>C-463/20 Judgment of the Court (Third Chamber) of 24 February 2022, Namur-Est Environnement ASBL v Région wallonne</u>

<u>C-300/20 Judgment of the Court (Grand Chamber) of 22 February 2022, Bund Naturschutz in Bayern eV v Landkreis Rosenheim</u>
<u>C-92/19 Judgment of the Court (Seventh Chamber) of 17 September 2020, Burgo Group SpA v Gestore dei Servizi Energetici SpA - GSE</u>
<u>C-24/19 Judgment of the Court (Grand Chamber) of 25 June 2020, A and Others v Gewestelijke stedenbouwkundige ambtenaar van het departement Ruimte Vlaanderen, afdeling Oost-Vlaanderen</u>
<u>C-434/18 Judgment of the Court (Ninth Chamber) of 11 July 2019, European Commission v Italian Republic</u>
<u>C-240/09 JUDGMENT OF THE COURT (Grand Chamber) 8 March 2011, Lesoochránárske zoskupenie VLK v Ministerstvo životného prostredia Slovenskej republiky</u>
<u>C-178/03 Judgment of the Court (Second Chamber) of 10 January 2006, Commission of the European Communities v European Parliament and Council of the European Union</u>
<u>C-338/01 Judgment of the Court (Sixth Chamber) of 29 April 2004, Commission of the European Communities v Council of the European Union</u>
<u>C-42/97 Judgment of the Court of 23 February 1999, European Parliament v Council of the European Union</u>
4. The European Commission as “Guardian of the treaties”: Infringement procedures and cases
<u>C-661/20 Judgment of the Court (Sixth Chamber) of 22 June 2022, European Commission v Slovak Republic</u>
<u>C-286/21 Judgment of the Court (Tenth Chamber) of 28 April 2022, European Commission v French Republic</u>
<u>C-687/20 Judgment of the Court (Eight Chamber) of 31 March 2022, European Commission v Portuguese Republic</u>

<u>C-683/20 Judgment of the Court (Eighth Chamber) of 13 January 2022, European Commission v Slovak Republic</u>
<u>C-668/19 Judgment of the Court (Sixth Chamber) of 6 October 2021, European Commission v Italian Republic</u>
<u>C-559/19 Judgment of the Court (First Chamber) of 24 June 2021, European Commission v Kingdom of Spain</u>
<u>C-503/06 Judgment of the Court (Sixth Chamber) of 15 May 2008, Commission of the European Communities v Italian Republic.</u>
<u>C-98/04 Judgment of the Court (Second Chamber) of 4 May 2006, Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland</u>
<u>C-304/02 Judgment of the Court (Grand Chamber) of 12 July 2005, Commission of the European Communities v French Republic.</u>
<u>C-435/99 Judgment of the Court (First Chamber) of 12 December 2000, Commission of the European Communities v Portuguese Republic.</u>
<u>C-387/97 Judgment of the Court of 4 July 2000, Commission of the European Communities v Hellenic Republic</u>
<u>C-392/96 Judgment of the Court (Fifth Chamber) of 21 September 1999, Commission of the European Communities v Ireland</u>
<u>C-186/98 Judgment of the Court (First Chamber) of 8 July 1999, Criminal proceedings against Maria Amélia Nunes and Evangelina de Matos</u>
<u>C-422/92 Judgment of the Court of 10 May 1995, Commission of the European Communities v Federal Republic of Germany</u>
<u>C-52/90 Judgment of the Court of 31 March 1992, Commission of the European Communities v Kingdom of Denmark</u>
<u>C-59/89 Judgment of the Court of 30 May 1991, Commission of the European Communities v Federal Republic of Germany</u>

C-162/89 Judgment of the Court of 13 June 1990, Commission of the European Communities v Kingdom of Belgium

C-96/81 Judgment of the Court of 25 May 1982, Commission of the European Communities v Kingdom of the Netherlands

B. Setting the Scene

1. EU Law
<u>Directive (EU) 2020/2184 of the European Parliament and of the Council of 16 December 2020 on the quality of water intended for human consumption</u>
<u>Consolidated text of 7 June 2017: 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 (Marine Strategy Framework Directive)</u>
<u>Consolidated text of 20 November 2014: 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 (Water Framework Directive)</u>
<u>Consolidated text of 11 July 2014: Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration (Groundwater Directive)</u>
<u>Consolidated text of 1 January 2014: Council Directive of 21 May 1991 concerning urban waste water treatment (91/271/EEC) (Urban Wastewater Treatment Directive)</u>
<u>Consolidated text of 1 January 2014: Directive 2006/7/EC of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC (Bathing Water Directive)</u>
<u>Consolidated text of 24 August 2013: Directive 2008/105/EC of the European Parliament and of the Council of 16 December 2008 on environmental quality</u>

standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (**Environmental Quality Standards Directive**)

Commission Directive 2009/90/EC of 31 July 2009 laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status, 31 July 2009

Consolidated text 21 November 2008: Council Directive of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (91/676/EEC) (**Nitrates Directive**)

Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (**Floods Directive**)

2. EU Documents

COM(2022) 540 final, Proposal for a Directive of the European Parliament and of the Council amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, Directive 2006/118/EC on the protection of groundwater against pollution and deterioration and Directive 2008/105/EC on environmental quality standards in the field of water policy, 26 October 2022

+ Annexes 1 to 6

+ SWD(2022) 543 final, Commission Staff Working Document – Executive Summary of the Impact Assessment Report accompanying the Proposal

+ SWD(540) final, Commission Staff Working Document – Impact Assessment Report accompanying the Proposal

C(2022) 5489 Commission Notice Guidelines to support the application of Regulation 2020/741 on minimum requirements for water reuse 2022/C 298/01 of 5 August 2022

EEA Report No. 9/2021 "Drivers of and pressure arising from selected key water management challenges - A European Overview", 23 September 2021

<u>C(2020) 5205 Commission Implementing Decision (EU) 2020/1161 of 4 August 2020 establishing a watch list of substances for Union-wide monitoring in the field of water policy pursuant to Directive 2008/105/EC of the European Parliament and of the Council</u>
<u>C(2018) 696 Commission Decision (EU) 2018/229 of 12 February 2018 establishing, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, the values of the Member State monitoring system classifications as a result of the intercalibration exercise and repealing Commission Decision 2013/480/EU</u>
<u>COM(2017) 753 final Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast), 1 February 2018</u>
<u>Commission Decision (EU) 2017/848 of 17 May 2017 laying down criteria and methodological standards on good environmental status of marine waters and specifications and standardised methods for monitoring and assessment, and repealing Decision 2010/477/EU</u>
<u>EU-level instruments on water reuse, Final report to support the Commission's Impact Assessment October 2016</u>
<u>COM(2015) 120 final, Communication from the Commission to the European Parliament and the Council The Water Framework Directive and the Floods Directive: Actions towards the 'good status' of EU water and to reduce flood risks, 9 March 2015</u>
<u>SWD(2012) 381 final/2 Commission Staff Working Document - Executive Summary of the Impact Assessment Accompanying the Document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Blueprint to Safeguard Europe's Water Resources COM(2012) 673 final and SWD(2012) 382 final, 13 December 2012</u>

COM(2012) 673 final Communication from the Commission to the European Parliament, the Council and the European Economic and Social Committee and the Committee of the regions - A Blueprint to Safeguard Europe's Water Resources, 14 November 2012

Commission Directive 2009/90/EC of 31 July 2009 laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status

Decision No 2455/2001/EC of the European Parliament and of the Council of 20 November 2001 establishing the list of priority substances in the field of water policy and amending Directive 2000/60/EC

3. EU Case Law

C-668/19 Judgment of the Court (Sixth Chamber) of 6 October 2021, European Commission v Italian Republic

C-22/20 Judgment of the Court (Fourth Chamber) of 2 September 2021, European Commission v Kingdom of Sweden

C-559/19 Judgment of the Court (First Chamber) of 24 June 2021, European Commission v Kingdom of Spain

C-629/19 Judgment of the Court (Second Chamber) of 14 October 2020, Sappi Austria Produktions-GmbH & Co KG and Wasserverband "Region Gratkorn-Gratwein" v Landeshauptmann von Steiermark

C-298/19 Judgment of the Court (Ninth Chamber) of 27 February 2020, European Commission v Hellenic Republic (French Version)

Case C-384/19, Judgment of the Court (Seventh Chamber) of 2 April 2020 European Commission v Kingdom of Spain

Joined Cases C-105 to 113/18, Judgment of the Court (Fifth Chamber) of 7 November 2019, Asociación Española de la Industria Eléctrica (UNESA) and Others v Administración General del Estado

<u>C-427/17 Judgment of the Court (Tenth Chamber) of 28 March 2019, European Commission v Ireland</u>
<u>Case C-328/16, Judgment of the Court (Third Chamber) of 22 February 2018, European Commission v Hellenic Republic</u>
<u>Case C-320/15, Judgment of the Court (Tenth Chamber) of 14 September 2017, European Commission v Hellenic Republic</u>
<u>C-502/15 Judgment of the Court (Ninth Chamber) of 4 May 2017, European Commission v United Kingdom of Great Britain and Northern Ireland</u>
<u>C-4/16 Judgment of the Court (Second Chamber) of 2 March 2017, J. D. v Prezes Urzędu Regulacji Energetyki</u>
<u>C-686/15 Judgment of the Court (Sixth Chamber) of 7 December 2016, Vo-doopskrba i odvodnja d.o.o. v Željka Klafurić</u>

C. Water Framework Directive under Scrutiny

<u>COM(2022) 540 final, Proposal for a Directive of the European Parliament and of the Council amending Directive 2000/60/EC establishing a framework for Community action in the field of water policy, Directive 2006/118/EC on the protection of groundwater against pollution and deterioration and Directive 2008/105/EC on environmental quality standards in the field of water policy, 26 October 2022</u> + <u>Annexes 1 to 6</u> + <u>SWD(2022) 543 final, Commission Staff Working Document – Executive Summary of the Impact Assessment Report accompanying the Proposal</u> + <u>SWD(540) final, Commission Staff Working Document – Impact Assessment Report accompanying the Proposal</u>
<u>COM(2021) 970 final, Report from the Commission to the Council and the European Parliament on the implementation of the Water Framework Directive (2000/60/EC), the Environmental Quality Standards Directive (2008/105/EC</u>

amended by Directive 2013/39/EU) and the Floods Directive (2007/60/EC) - Implementation of planned Programmes of Measures, New Priority Substances, Preliminary Flood Risk Assessments and Areas of Potential Significant Flood Risk, 15 December 2021 (6th Water Framework Directive and Floods Directive Implementation Report)
SWD(2019) 439 final, Commission Staff Working Document Fitness Check of the Water Framework Directive, Groundwater Directive, Environmental Quality Standards Directive and Floods Directive, 10 December 2019
SWD(2019) 440 final, Commission Staff Working Document Executive Summary of the Fitness Check of the Water Framework Directive, Groundwater Directive, Environmental Quality Standards Directive and Floods Directive of 10 December 2019
SEC(2019) 438 final Regulatory Scrutiny Board Opinion, Fitness Check of the Water Framework Directive, Groundwater Directive, Environmental Quality Standards Directive and Floods Directive of 15 November 2019
SWD/2019/32 final, Commission Staff Working Document International Cooperation under the Water Framework Directive (2000/60/EC) - Factsheets for International River Basins Accompanying the document Report from the Commission to the European Parliament and the Council on the implementation of the Water Framework Directive (2000/60/EC) and the Floods Directive (2007/60/EC) Second River Basin Management Plans First Flood Risk Management Plans, 26 February 2019
Consolidated text: Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste of 4 July 2018
COM(2015) 120 final, Communication from the Commission to the European Parliament and the Council The Water Framework Directive and the Floods Directive: Actions towards the 'good status' of EU water and to reduce flood risks, 9 March 2015

<u>Consolidated text: 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 (Water Framework Directive) of 20 November 2014</u>
<u>Consolidated text: Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration (Groundwater Directive) of 11 July 2014</u>
<u>Commission Directive 2014/80/EU of 20 June 2014 amending Annex II to Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration Text with EEA relevance of 20 June 2014</u>
<u>Factsheet: The EU Water Framework Directive, 28 May 2014</u>
<u>Consolidated text: Council Directive of 21 May 1991 concerning urban waste water treatment (91/271/EEC) of 1 January 2014</u>
<u>European Commission: Common Implementation Strategy for the Water Framework Directive (2000/60/EC) - WFD Guidance Documents</u>
<u>Directive 2007/60/EC of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks (Floods Directive) of 23 October 2007</u>
EU Case Law
<u>Pending Case C-723/21, Stadt Frankfurt (Oder) and FWA, Request for a preliminary ruling of 29 November 2021</u>
<u>C-525/20 Judgment of the Court (Second Chamber) of 5 May 2022, Association France Nature Environnement v Premier ministre and Ministre de la Transition écologique et solidaire</u>
<u>C-559/19 Judgment of the Court (First Chamber) of 24 June 2021, European Commission v Kingdom of Spain</u>
<u>C-535/18 Judgment of the Court (First Chamber) of 28 May 2020, IL and Others v Land Nordrhein-Westfalen</u>

<u>C-556/18, Judgment of the Court (Seventh Chamber) of 26 September 2019, European Commission v Kingdom of Spain</u>
<u>C-529/15 Judgment of the Court (First Chamber) of 1 June 2017, Proceedings brought by Gert Folk</u>
<u>C-686/15 Judgment of the Court (Sixth Chamber) of 7 December 2016, Vo-doopskrba i odvodnja d.o.o. v Željka Klafurić</u>
<u>C-648/13 Judgment of the Court (Sixth Chamber) of 30 June 2016. European Commission v Republic of Poland</u>
<u>C-346/14 Judgment of the Court (First Chamber) of 4 May 2016, European Commission v Republic of Austria</u>
<u>C-461/13 Judgment of the Court (Grand Chamber) of 1 July 2015, Bund für Umwelt und Naturschutz Deutschland e.V. v Bundesrepublik Deutschland</u>
<u>C-525/12 Judgment of the Court (Second Chamber) of 11 September 2014 European Commission v Federal Republic of Germany</u>
<u>C-151/12 Judgment of the Court (Fifth Chamber) of 24 October 2013 European Commission v Kingdom of Spain</u>
<u>C-351/09 Judgment of the Court (First Chamber) of 22 December 2010 European Commission v Republic of Malta</u>

D. Discharges in Waters

<u>I. The Nitrates Directive</u>
<u>1. EU Documents</u>
<u>2021/3003(RSP) Resolution on measures against water pollution caused by nitrates, including improvements in the different nitrate measuring systems in Member States of 5 April 2022</u>

<u>COM(2021) 1000 final, Report from the Commission to the Council and the European Parliament on the implementation of Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources based on Member State reports for the period 2016–2019, 11 October 2021</u>
<u>SWD/2021/1001 final, Commission Staff Working Document Accompanying the document Report from the Commission to the Council and the European Parliament on the implementation of Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources based on Member State reports for the period 2016–2019, 11 October 2021</u>
<u>C(2020) 4821, Commission Implementing Decision (EU) 2020/1074 of 17 July 2020 granting a derogation requested by Denmark pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (Only the Danish version is authentic), 17 July 2020</u>
<u>C/2019/5180 Commission Implementing Decision (EU) 2019/1205 of 12 July 2019 granting a derogation requested by Belgium with regard to the region of Flanders pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources of 12 July 2019</u>
<u>C(2019) 3816 Commission Implementing Decision (EU) 2019/1325 of 27 May 2019 granting a derogation requested by the United Kingdom with regard to Northern Ireland pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources of 27 May 2019</u>
<u>COM(2018) 257 final Report from the Commission to the Council and the European Parliament on the implementation of Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources based on Member State reports for the period 2012–2015 of 4 May 2018</u>
<u>Factsheet: The EU Nitrates Directive, January 2010</u>

Consolidated text: Council Directive of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (91/676/EEC), 21 November 2008 **(Nitrates Directive)**

2. EU Case Law

C-298/19 Judgment of the Court (Ninth Chamber) of 27 February 2020, European Commission v Hellenic Republic (French Version)

C-197/18 Judgment of the Court (First Chamber) of 3 October 2019, Proceedings brought by Wasserleitungsverband Nördliches Burgenland and Others

C-543/16 Judgment of the Court (Ninth Chamber) of 21 June 2018, European Commission v Federal Republic of Germany

C-149/19 Judgment of the Court (Ninth Chamber) of 23 April 2015, European Commission v Hellenic Republic (French Version)

C-356/13 Judgment of the Court (Ninth Chamber) of 20 November 2014, European Commission v Republic of Poland (French Version)

C-237/12 Judgment of the Court (Second Chamber) of 4 September 2014, European Commission v French Republic

C-193/12 Judgment of the Court (Seventh Chamber) of 13 June 2013, European Commission v French Republic (French version)

C-41/11 Judgment of the Court (Grand Chamber) of 28 February 2012, Inter-Environnement Wallonie ASBL and Terre wallonne ASBL v Région wallonne

C-526/08 Judgment of the Court (Grand Chamber) of 29 June 2010, European Commission v Grand Duchy of Luxembourg

Joined Cases C-105/09 and C-110/09 Judgment of the Court (Fourth Chamber) of 17 June 2010, Terre wallonne ASBL (C-105/09) and Inter-Environnement Wallonie ASBL (C-110/09) v Région wallonne

C-147/07 Judgment of the Court (Seventh Chamber) of 31 January 2008, Commission of the European Communities v French Republic (French Version)

C-221/03 Judgment of the Court (Third Chamber) of 22 September 2005, Commission of the European Communities v Kingdom of Belgium

II. Water Protection through Criminal Law

1. EU Documents

COM(2021) 851 final, Proposal for a Directive of the European Parliament and of the Council on the protection of the environment through criminal law and replacing Directive 2008/99/EC of 15 December 2021

COM(2021) 814 final Communication from the Commission to the European Parliament and the Council on stepping up the fight against environmental crime of 15 December 2021

Factsheet: "European Green Deal: Strengthening EU law to combat environmental crime" of 15 December 2021

European Commission: Summary Guide - Combating environmental crimes and related infringements of 13 December 2021

SWD(2020) 259 final Commission Staff working document - Evaluation of the 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 (Environmental Crime Directive) of 28 October 2020

Part I + Part II

SWD(2020) 260 final Commission Staff Working Document - Executive Summary of the Evaluation of the 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 (Environmental Crime Directive) of 28 October 2020

SEC(2020) 373 final Regulatory Scrutiny Board Opinion - Evaluation of the 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 (Environmental Crime Directive)

<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 of 18 January 2018</u>
<u>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 of 19 November 2008 (Environmental Crime Directive)</u>
2. Case Law
<u>C-357/20 Judgment of the Court (Second Chamber) of 28 October 2021, IE v Magistrat der Stadt Wien</u>
<u>Case C-297/19, Judgment of the Court (First Chamber) of 9 July 2020, Naturschutzbund Deutschland — Landesverband Schleswig-Holstein eV v Kreis Nordfriesland</u>
<u>C-534/13 Judgment of the Court (Third Chamber) of 4 March 2015. Ministero dell'Ambiente e della Tutela del Territorio e del Mare v Fipa Group Srl.</u>
<u>C-440/05 Judgment of the Court (Grand Chamber) of 23 October 2007, Commission of the European Communities v Council of the European Union</u>
<u>C-176/03 Judgment of the Court (Grand Chamber) of 13 September 2005, Commission of the European Communities v Council of the European Union</u>

E. Access to Justice in Environmental Matters – Focus on Water Pollution

<u>I. Access to justice</u>
<u>1. EU Documents</u>
<u>European Commission, Citizen's Guide to Access to Justice in Environmental Matters, 28 September 2018</u>
<u>Briefing, European Parliament, Implementing the Aarhus Convention – Access to justice in environmental matters, October 2017</u>
<u>C(2017) 2616 final, Communication from the Commission of 28 April 2017 - Commission Notice on Access to Justice in Environmental Matters</u>

<u>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</u>
<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>
<u>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/EC</u>
<u>REGULATION (EC) No 1049/2001 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 May 2001 regarding public access to European Parliament, Council and Commission documents</u>
2. International Documents
<u>Aarhus Convention: An implementation guide, United Nations Economic Commission for Europe, 2014</u>
<u>Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), 25 June 1998</u>
3. EU Case Law
<u>C-463/20 Judgment of the Court (Third Chamber) of 24 February 2022, amur-Est Environnement ASBL v Région wallonne</u>
<u>C-470/19 Judgment of the Court (First Chamber) of 15 April 2021, Friends of the Irish Environment Ltd v Commissioner for Environmental Information</u>
<u>T-9/19 JUDGMENT OF THE GENERAL COURT (Second Chamber, Extended Composition) 27 January 2021, ClientEarth v European Investment Bank (EIB)</u>
<u>C-619/19 JUDGMENT OF THE COURT (First Chamber) 20 January 2021, Land Baden-Württemberg v D.R.</u>

<u>Case C-826/18 JUDGMENT OF THE COURT (First Chamber) 14 January 2021, LB and others v College van burgemeester en wethouders van de gemeente Echt-Susteren</u>
<u>C-784/18 Judgment of the Court (First Chamber) of 3 September 2020, Mellifera eV, Vereinigung für wesensgemäße Bienenhaltung v European Commission</u>
<u>C-535/18 Judgment of the Court (First Chamber) of 28 May 2020, IL and Others v Land Nordrhein-Westfalen</u>
<u>C-280/18 JUDGMENT OF THE COURT (First Chamber) 7 November 2019, Alain Flausch and others v Ypourgos Perivallontos kai Energeias</u>
<u>C-71/14 JUDGMENT OF THE COURT (Fifth Chamber) 6 October 2015, East Sussex County Council v Information Commissioner</u>
<u>C-461/13 Judgment of the Court (Grand Chamber) of 1 July 2015, Bund für Umwelt und Naturschutz Deutschland e.V. v Bundesrepublik Deutschland</u>
<u>C-562/12 JUDGMENT OF THE COURT (Fourth Chamber) 17 September 2014, Liivimaa Lihaveis MTÜ v Eesti-Läti programmi 2007-2013 Seirekomitee</u>
<u>C-530/11 JUDGMENT OF THE COURT (Second Chamber) 13 February 2014, European Commission v United Kingdom of Great Britain and Northern Ireland</u>
<u>C-260/11 JUDGMENT OF THE COURT (Fourth Chamber) 11 April 2013, David Edwards, Lilian Pallikaropoulos v Environment Agency</u>
<u>Joined Cases C-72/10 and C-77/10 JUDGMENT OF THE COURT (Fourth Chamber) 16 February 2012, criminal proceedings against Marcello Costa (C-72/10), Ugo Cifone (C-77/10)</u>