

NATIONAL JUDGES AND THE EU AARHUS ACQUIS

Focus on Access to Justice

Online workshop for judges and prosecutors

1-2 March 2021 - 08:45-13:30 (CET)

8-9 March 2021 - 08:45-13:30 (CET)

**UP
GRADE**
YOUR LEGAL
EXPERTISE

**Environmental
Law**



Envisaged speakers & training managers

Matthias Keller, Presiding Judge, Administrative Court, Aachen

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

Adam Daniel Nagy, Legal Policy Officer, DG Environment, European Commission, Brussels

Christina Olsen Lundh, Judge, Land and Environment Court, District Court of Vänersborg; Adjunct Senior Lecturer, Department of Law, University of Gothenburg

Kleoniki Pouikli, Training Coordinator, Course Director, European Public Law, ERA, Trier

Christoph Sobotta, Legal Secretary (AG Kokott), CJEU, Luxembourg

Vojtěch Vomáčka, Advisor in Environmental Law and EU Law Matters, Supreme Administrative Court of the Czech Republic

Key topics

- Article 9(1), (2), (3), (4) of the Aarhus Convention
- European Commission Communication on improving Access to Justice in Environmental Matters
- Legal standing
- Scope of the judicial review
- Effective remedies / interim measures
- Litigation costs
- Time limits of procedure
- Relevant CJEU case law
- Preliminary ruling procedures
- Case studies on the topics

Language
English

Event number
421DV133e

Organiser
ERA (Dr Kleoniki Pouikli) on behalf of the European Commission (contracting authority)



With the support of the "Cooperation with National Judges in the field of Environmental Law" programme of the European Union

NATIONAL JUDGES AND THE EU AARHUS ACQUIS – FOCUS ON ACCESS TO JUSTICE

Monday, 1 March 2021 – 1st Session

- 08:45 Join the platform
- 09:00 **Introduction and practical information**
Kleoniki Pouikli, Course Director, ERA
- 09:15 **“Ice-breaking” exercise with the participants**
Kleoniki Pouikli, Course Director, ERA

I. SETTING THE SCENE

- 09:30 **Introduction to the Aarhus Convention**
- Development, aim, main features
 - The three-pillar structure
 - The Aarhus Compliance mechanism
- Vojtěch Vomáčka*
- 10:15 Quiz Session
- 10:30 **EU environmental law and the Aarhus Convention**
- Status in Europe and direct effect at EU level
 - European Commission Communication on improving access to justice in environmental matters in the EU and its Member States (14.10.2020)
- Adam Daniel Nagy*
- 11:15 Break

II. OVERVIEW OF THE 1ST AND 2ND PILLARS OF THE AARHUS CONVENTION

- 11:30 **Access to information**
- Directive 2003/4/EC on public access to environmental information environment
 - Definition of “environmental information” and “public authority”
 - Passive and active disclosure
 - Grounds for refusal of access
 - Charges for access to information
- European Commission Representative*
- 12:15 Break
- 12:30 **Public participation in environmental decision-making**
- Identification of the “public concerned”
 - Exceptions for public participation requirements
 - Public participation provisions under the EU substantive environmental law (EIA/SEA, Water Framework Directive, IED, Seveso III, Air Quality Directive, Waste Framework Directive, Environmental Noise Directive)
- Vojtěch Vomáčka*
- 13:30 End of the first session

Tuesday, 2 March 2021 – 2nd Session

- 08:45 Join the platform
- 09:00 **Welcome and practical information**
Kleoniki Pouikli, Course Director, ERA

III. 3RD PILLAR OF THE AARHUS CONVENTION: ACCESS TO JUSTICE

- 09:15 **Right to bring a legal challenge (legal standing) – Part 1**
- Categories of legal standing rights
 - Explicit provisions for legal standing under the EU substantive environmental law (Directive on public access to environmental information, ELD, IED, EIA, Seveso III)
 - *Locus standi* for the environmental NGOs
 - CJEU case law
- Christina Olsen Lundh*
- 10:15 Break
- 10:30 **Right to bring a legal challenge (legal standing) – Part 2**
Christina Olsen Lundh
- 11:15 Quiz Session
- 11:30 Break

Objective

The aim of this 4-session online workshop is to provide the participants with an overview of the three pillars of the Aarhus Convention. The focus will be on access to justice in light of the relevant European Commission Notice published in April 2017.

Emphasis will be given to legal standing, scope of the judicial review, effective remedies, costs for access to justice and time limits of procedures.

By addressing these issues regarding the relationship between Aarhus Convention and EU environmental law, this online workshop aims at facilitating the handling of future national court proceedings relating to this topic.

Who should attend?

Judges and prosecutors interested in environmental law

Interactive Webinar

The online workshop will be hosted on ERA’s own online training platform. You will be able to interact immediately and directly with our top-quality speakers and other participants, break out into working groups and work collaboratively on case studies. We will make the most of the technical tools available to deliver an intensive, interactive training experience. As the platform is hosted on our own server, the highest security settings will be applied to ensure that you can participate safely in a high-quality online training environment



Times indicated are CET
(Central European Time)

Your contact persons



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European Public Law
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11:45 **Case study on public participation and legal standing – Focus on Water Framework Directive**

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

Vojtěch Vomáčka

13:30 End of the second session

Monday, 8 March 2021 – 3rd Session

08:45 Join the platform

09:00 **Welcome and practical information**
Kleoniki Pouikli, Course Director, ERA

IV. 3RD PILLAR OF THE AARHUS CONVENTION: ACCESS TO JUSTICE (cont.)

09:15 **Scope and standard of judicial review – Part 1**

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

Christoph Sobotta

10:00 Break

10:15 **Scope and standard of judicial review – Part 2**

Christoph Sobotta

11:00 Break

11:15 **Effective remedies**

- Principle of equivalence and principle of effectiveness
- Interim measures (Injunctive relief)
- CJEU case law

Christina Olsen Lundh

12:30 Break

12:45 **Litigation costs and time limits of the procedures**

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

Matthias Keller

13:30 End of the third session

Tuesday, 9 March 2021 – 4th Session

08:45 Join the platform

09:00 **Welcome and practical information**
Kleoniki Pouikli, Course Director, ERA

V. 3RD PILLAR OF THE AARHUS CONVENTION: ACCESS TO JUSTICE (cont.)

09:15 **Case study on judicial review and effective remedies – Focus on Air Quality Directive**

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

Matthias Keller

11:00 Break

VI. ENFORCEMENT AT NATIONAL LEVEL

11:15 **Preliminary reference procedure on interpretation and validity in the context of EU judicial protection in environmental matters – Part 1**

- Article 267 TFEU
- National court and uniform interpretation of EU Environmental Law

Christoph Sobotta

12:15 Quiz session

12:30 **Preliminary reference procedure – Part 2**

Christoph Sobotta

13:00 **Evaluation of the workshop**

Kleoniki Pouikli

13:30 End of the online workshop

Apply online for

National Judges and the EU Aarhus *Acquis* - Focus on Access to Justice

Webinar, 1-2 & 8-9 March 2021 / Event Number: 421DV133e



Europäische Rechtsakademie
Academy of European Law
Académie de Droit Européen
Accademia di Diritto Europeo

Terms and conditions of participation

Selection

1. Participation is only open to judges and prosecutors from an EU Member State.
2. The number of places available is limited. Participation will be subject to a selection procedure. Selection will be dependent on:
 - i. the relevance of the seminars to the professional life of the applicant;
 - ii. geographical and linguistic balance among the participants will be sought;
 - iii. In case of exceeding applications, only one person per institution may be accepted.
3. Online applications can be made until **15 February 2021**
4. A response will be given to every applicant of this workshop shortly after this deadline. We advise you not to book any travel or hotel before you receive our confirmation.

Registration Fee

5. There is no registration fee.

Participation

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

Online application:

XXXX

Language

English

Contact Person

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