

# NATIONAL JUDGES AND EU WATER LEGISLATION

## Focus on access to justice

Online workshop for judges and prosecutors

17-18 and 24-25 October 2022

8:45-13:30 (CEST)

**UP  
GRADE**  
YOUR LEGAL  
EXPERTISE

Environmental Law

## Speakers & training managers

**Serena Caucci**, Associate Programme Officer, United Nations University FLORES, Dresden

**Luisa Cortat**, Course Director, European Public Law, ERA, Trier

**Nathalie Hervé-Fournereau**, Research Director, National Centre for Scientific Research, University Rennes 1

**Matthias Keller**, Presiding Judge, Administrative Court, Aachen

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

**Laura von Vittorelli**, Environmental Lawyer and Strategist, Öko-Institut e.V., Berlin

**Vojtěch Vomáčka**, Assistant Professor, Department of Environmental and Land Law, Masaryk University, Brno; Advisor on Environmental and EU Law Matters, Supreme Administrative Court of the Czech Republic

## Key topics

- Scientific and technical aspect 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

**Language**  
English

**Event number**  
422DV140

**Organiser**  
ERA (Dr Luisa Cortat) on behalf of the European Commission (contracting authority)

# National Judges and EU Water Legislation – Focus on Access to Justice

## 17 October 2022 – 1<sup>st</sup> Session

- 08:45 Join the platform
- 09:00 **Welcome and opening**  
*Luisa Cortat*
- 09:15 **“Ice-breaking” exercise with the participants**  
*Luisa Cortat*

### I. SETTING THE SCENE

- 09:30 **Water pollution: a political, scientific and technical introduction**  
*Serena Caucci*
- 10:00 **Introduction to the framework of EU water law and policy**
- Overview of the main EU legislative tools concerning water
  - Sector-specific measures for water protection
- European Commission Representative*
- 11:00 Break

### II. WATER FRAMEWORK DIRECTIVE UNDER SCRUTINY

- 11:15 **Water Framework Directive (WFD)**
- Main objectives and key features
  - Article 4 of the WFD
  - River basin management plan/programme of measures
  - Review of permits
  - Exceptions
  - CJEU case law
- Nathalie Hervé-Fournereau*
- 12:00 Break
- 12:15 **Case study on the main provisions of the Water Framework Directive**
- Introduction to the case study
  - Working groups
  - Plenary discussion of the results
- Nathalie Hervé-Fournereau*
- 13:30 End of the first session

## 18 October 2022 – 2<sup>nd</sup> Session

- 08:45 Join the platform
- 09:00 **Introduction and practical information**  
*Luisa Cortat*

### III. DISCHARGES IN WATERS

- 09:05 **Nitrates Directive**
- Basic concepts and main provisions
  - CJEU case law
- Laura von Vittorelli*
- 10:00 Break
- 10:15 **Water protection through criminal law**
- Water crimes: key features and modus operandi
  - Investigation, prosecution and adjudication
- European Network of Prosecutors for the Environment*
- 11:15 Break
- 11:30 **Case study on a water pollution case – Focus on inspections and enforcement**
- Introduction to the case study
  - Working groups
  - Plenary discussion of the results
- Matthias Keller*
- 13:00 End of the second session

## Objective

The goal of this four-session online workshop is to develop a comprehensive understanding of the key legal aspects of EU water legislation and to exchange views among judges from various Member States regarding this topic. Emphasis will be given to the analysis of the main obligations relating to water management enshrined in the Water Framework Directive as well as to the main provisions deriving from the legislation regulating discharges in water. In addition to this, the spotlight will be placed on water protection through criminal law as well as on access to justice in water-related cases both at EU and national level. By addressing these issues concerning the implementation of the EU water laws and the EU and national challenges relating to water pollution litigation, the workshop aspires to facilitate the handling of future national court proceedings in this field.

## Who should attend?

Judges and prosecutors interested in environmental law

## Your contact persons



Dr Luisa Cortat  
Course Director  
European Public Law  
E-Mail: lcortat@era.int



Barbara Hense  
Assistant  
E-Mail: bhense@era.int

## 24 October 2022 – 3<sup>rd</sup> Session

- 08:45 Join the platform
- 09:00 **Introduction and practical information**  
*Luisa Cortat*

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### IV. ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS – FOCUS ON WATER POLLUTION

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- 09:05 **Access to justice within the EU in cases relating to water protection (Part: I)**
- Aarhus Convention
  - Commission Notice on Access to Justice in Environmental Matters
  - Standing: key principles and case law of the CJEU
- Vojtěch Vomáčka*
- 10:00 Break
- 10:15 **Access to Justice within the EU in cases relating to water protection (Part: II)**
- Intensity of judicial review of water-related cases
  - Adequate and effective remedies: key principles and case law of the CJEU
- Vojtěch Vomáčka*
- 11:15 Break
- 11:30 **Case study on access to justice for citizens and NGOs in a nitrate water pollution case**
- Introduction to the case study
  - Working groups
  - Plenary discussion of the results
- Laura von Vittorelli*
- 13:00 **End of the third session**

## 25 October 2022 – 4<sup>th</sup> Session

- 08:45 Join the platform
- 09:00 **Introduction and practical information**  
*Luisa Cortat*

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### V. ENFORCEMENT AT NATIONAL LEVEL

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- 09:05 **What is the role for a national judge in water pollution litigation? – preliminary reference**  
*Matthias Keller*
- 10:30 Break
- 10:45 **ROUNDTABLE DISCUSSION on national experiences and practices relating to challenges in implementing EU water legislation**
- Questionnaire results
  - Discussion in sub-groups
  - Exchange of national viewpoints in plenary
- Matthias Keller*
- 12:00 **Evaluation of the workshop**  
*Luisa Cortat*
- 12:30 End of the workshop

## 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

# Apply online for

## National Judges and EU Water Legislation - Focus on Access to Justice

Webinar, 17-18 and 24-25 October 2022 / Event Number: 422DV140



### Online application

[www.era.int/?131614&en](http://www.era.int/?131614&en)



Language  
English

Contact Person  
Barbara Hense  
Assistant  
Email: [bhense@era.int](mailto:bhense@era.int)  
Tel. : +49 (0)651 937 37 120

## 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:
  - the relevance of the workshop to the professional life of the applicant.
  - geographical and linguistic balance among the participants will be sought.
  - in case of exceeding applications, only one person per institution may be accepted.
3. Online applications can be made until **16 September 2022**
4. A response will be given to every applicant of this workshop shortly after this deadline.

### Registration Fee

5. There is no registration fee.

### Participation

6. Participation in 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 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.

For further details please follow our project website:  
[www.era.int/environmental\\_law](http://www.era.int/environmental_law)