

**NATIONAL JUDGES AND THE EU AARHUS *ACQUIS* –
*Focus on Access to Justice***

Workshop for judges and prosecutors



With the support of the
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programme of the European Union

**The opinions expressed on this publication reflect only the ERA’s view and do not represent
the official position of the European Commission**

Background Documentation

1. EU Treaty

1.	<u>Treaty on European Union (consolidated version) 7 June 2016, OJ C202/01</u>	Online
2.	<u>Treaty on the Functioning of the European Union (consolidated version), 7 June 2016, OJ C202/01</u>	Online
3.	<u>Charter of Fundamental Rights of the European Union, (2016/C 202/02)</u>	Online
4.	<u>Explanations relating to the Charter of Fundamental Rights (OJ C 303, 14.12.2007, p. 17)</u>	Online

2. Participatory Rights in EU Environmental Law – The Aarhus Convention and EU Legislation

5.	<u>Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), 25 June 1998</u>	Online
6.	<u>COM(2020) 643 final, Communication from the Commission of 14 October 2020 - Improving access to justice in environmental matters in the EU and its Member States</u>	Online
7.	<u>COM(2017) 2616 final, Communication from the Commission of 28 April 2017 - Commission Notice on Access to Justice in Environmental Matters</u>	Online
8.	<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</u>	Online

	<u>Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies</u>	
9.	<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>	Online
10.	<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>	Online
11.	<u>DIRECTIVE 2014/52/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment</u>	Online
12.	<u>DIRECTIVE 2011/92/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment</u>	Online
13.	<u>DIRECTIVE 2001/42/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (SEA Directive)</u>	Online
14.	<u>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>	Online
15.	<u>Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)</u>	Online
16.	<u>Directive 2008/50/EC (consolidated version) of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (Air Quality Directive)</u>	Online

17.	<u>DIRECTIVE 2008/98/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 19 November 2008 on waste and repealing certain Directives (repealed: Directive 2006/12/EC, 91/689/EEC and 75/439/EEC) (Waste Framework Directive)</u>	Online
18.	<u>DIRECTIVE 2004/35/CE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (Environmental Liability Directive)</u>	Online
19.	<u>Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC (Seveso III)</u>	Online
20.	<u>Directive 2002/49/EC of the European Parliament and of the Council of 25 June 2002 relating to the assessment and management of environmental noise (Environmental Noise Directive)</u>	Online

3. General EU Policy Documents (guidelines, reports, implementing texts)

21.	<u>European Commission, Citizen's Guide to Access to Justice in Environmental Matters, 28 September 2018</u>	Online
22.	<u>Briefing, European Parliament, Implementing the Aarhus Convention – Access to justice in environmental matters, October 2017</u>	Online
23.	<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' (7th Environment Action Programme to 2020)</u>	Online

24.	<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", 18 January 2018</u>	Online
25.	<u>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 (COM(2017) 198 final, 27 April 2017)</u>	Online
26.	<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>	Online
27.	<u>Annex "Guidance to Member States: Suggested Actions on Better Environment", 3 February 2017</u>	Online
28.	<u>Commission Communication, Next steps for a sustainable European future; European action for sustainability (COM(2016) 739 final, 22 November 2016)</u>	
29.	<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>	Online
30.	<u>Aarhus Convention: An implementation guide, United Nations Economic Commission for Europe, 2014</u>	Online

31.	<u>COM 2014/15 final Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions "A policy framework for climate and energy in the period from 2020 to 2030", 22 January 2014</u>	Online
32.	<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>	Online
33.	<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>	Online
34.	<u>Standing up for your right(s) in Europe, A Comparative study on Legal Standing (Locus Standi) before the EU and Member States' Courts, Policy Department C, 2012</u>	Online
35.	<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>	Online
36.	<u>COM(2010) 2020 final Communication from the Commission „EUROPE 2020 A strategy for smart, sustainable and inclusive growth", 3 March 2010</u>	Online
37.	<u>Communication from the Commission on the Precautionary Principle, COM (2000) 1 final, 2 February 2000</u>	Online

38.	<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>	Online
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4. Case law of the CJEU for participatory rights in environmental matters

39.	<u>Judgment of 30 May 1991, Commission v Germany C-361/88</u>	Online
40.	<u>Judgment of 17 October 1991, Commission v Germany C-58/89</u>	Online
41.	<u>Judgment of 24 October 1996, Kraaijeveld C-72/95</u>	Online
42.	<u>Judgment of 14 July 1998, Safety Hi-Tech C-284/95</u>	Online
43.	<u>Judgment of 29 April 1999, Standley C-293/97</u>	Online
44.	<u>Judgment of 7 December 2000, Commission v France C-374/98</u>	Online
45.	<u>Judgment of 7 January 2004, Wells C-201/02</u>	Online
46.	<u>Judgment of 7 September 2004, Waddenzee C-127/02</u>	Online
47.	<u>Judgment of 13 March 2007, Unibet C-432/05</u>	Online
48.	<u>Judgment of 25 July 2008, Janecek C-237/07</u>	Online
49.	<u>Judgment of 15 April 2008, Impact C-268/06</u>	Online
50.	<u>Judgment of 3 July 2008, Commission v Ireland C-215/06</u>	Online
51.	<u>Judgment of 16 July 2009 Commission v Ireland C-427/07</u>	Online
52.	<u>Judgment of 30 April 2009, Mellor C-75/08</u>	Online
53.	<u>Judgment of 15 October 2009, Djurgården C-263/08</u>	Online
54.	<u>Judgment of 12 May 2011, Bund für Umwelt und Naturschutz C-115/09</u>	Online

55.	<u>Judgment of 18 October 2011, Boxus Joined Cases C-128/09 to C-131/09, C-134/09 and C-135/09</u>	Online
56.	<u>Judgment of 8 March 2011 LZ I C-240/09</u>	Online
57.	<u>Judgment of 26 May 2011, Stichting Natuur en Milieu C-165 to C-167/09</u>	Online
58.	<u>Judgment of 16 February 2012, Solvay and others C-182/10</u>	Online
59.	<u>Judgment of 28 February 2012 Inter-Environnement Wallonie C-41/11</u>	Online
60.	<u>Judgment of 15 January 2013, Križan C-416/10</u>	Online
61.	<u>Judgment of 14 March 2013, Leth C-420/11</u>	Online
62.	<u>Judgment of 11 April 2013, Edwards and Pallikaropoulos C-260/11</u>	Online
63.	<u>Judgment of 3 October 2013, Inuit C-583/11P</u>	Online
64.	<u>Judgment of 7 November 2013, Altrip C-72/12</u>	Online
65.	<u>Judgment of 19 December 2013, Fish Legal and Shirley C-279/12</u>	Online
66.	<u>Judgment of 13 February 2014, Commission v United Kingdom C-530/11</u>	Online
67.	<u>Judgment of 19 November 2014, Client Earth EU C-404/13</u>	Online
68.	<u>Judgment of 6 October 2015, East Sussex C-71/14</u>	Online
69.	<u>Judgment of 15 October 2015, Commission v Germany C-137/14</u>	Online
70.	<u>Judgment of 15 October 2015, Gruber C-570/13</u>	Online
71.	<u>Judgment of 14 January 2016, Grüne Liga Sachsen C-399/14</u>	Online
72.	<u>Judgment of 21 July 2016 Commission v Romania C-104/15</u>	Online
73.	<u>Judgment of 28 Juin 2016, Association France Nature Environnement — C-379/15 EU</u>	Online

74.	Judgment of 13 July 2017, Saint-Gobain Glass Deutschland GmbH v European Commission, Case C-60/15, ECLI:EU:C:2017:540	Online
75.	Judgment of 8 November 2016, LZ II C-243/15	Online
76.	Judgment of 10 November 2016, Eco-Emballages, C-313/15 and C-530/15	Online
77.	Judgment of 17 November 2016, Stadt Wiener Neustadt C-348/15	Online
78.	Order of the President of the Court of 24 April 2008 in Commission v Malta C-76/08	Online
79.	Opinion 1/09, Creation of a Unified Patent Litigation System, EU:C:2011:123	Online
80.	Judgement of 1 June 2017, Folk, C-529/15, ECLI:EU:C:2017:419	Online
81.	Judgement of 26 July 2017, C-196/16 and C-197/2016, Commune di Corridonia, ECLI:EU:C:2017:589	Online
82.	Judgement of 19 October 2017, C-281/16 - Vereniging Hoekschewaards Landschap	Online
83.	Judgement of 20 December 2017, Case C-664/15, Protect Natur, Arten- und Landschaftsschutz v Bezirkshauptmannschaft Gmünd, ECLI:EU:C:2017:987	Online
84.	Judgement of 15 March 2018, C-470/16 North East Pylon Pressure Campaign Limited and Maura Sheehy v An Bord Pleanála and Others	Online
85.	Judgment of 26 June 2019, C-723/17, Lies Craeynest and Others v Brussels Hoofdstedelijk Gewest and Brussels Instituut voor Milieubeheer, ECLI:EU:C:2019:533	Online
86.	Judgment of 3 October 2019, C-197/18 Wasserleitungsverband Nördliches Burgenland and Others, ECLI:EU:C:2019:824	Online
87.	Judgment of 7 November 2019, C-280/18 Flausch and Others, ECLI:EU:C:2019:928	Online

88.	Judgment of 19 December 2019, C-752/18, Deutsche Umwelthilfe, ECLI:EU:C:2019:1114	Online
89.	Judgment of 28 May 2020, C-535/18, Land Nordrhein-Westfalen, ECLI:EU:C:2020:391	Online
90.	Judgment of 20 January 2021, Land Baden-Württemberg (Communications internes), ECLI:EU:C:2021:35	Online