

COOPERATION WITH NATIONAL JUDGES IN THE FIELD OF EU ENVIRONMENTAL LAW



Trainer's Manual Module on Nature Protection Law – Focus on Site Protection



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I. Introduction

This training module on **EU Nature Protection Law – Focus on Site Protection**, developed by ERA on behalf of the European Commission, addresses judicial training institutes, networks of judges, national judges, experts from NGOs, academic experts, trainers, any other relevant actors (for example, prosecutors) and end-users of European Union Member States wishing to organise training sessions in the area of EU environmental law with particular focus on the waste legal framework.

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 Nature Protection Law – Focus on Site Protection. This training module will also assist national judges as well as national prosecutors to apply the relevant EU instruments in detail.

The training module will gather materials in order to conceive a two and a half day workshop with the goal to develop and raise understanding on the key legal aspects of EU Nature Protection Law – Focus on Site Protection. The key topics to be covered are:

- Introduction to the EU Nature Law
- Habitats and Birds Directive CJEU Case Law
- Designation of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and establishment of Conservation Measures
- Article 6 of the Habitats Directive
- Role of a national judge in enforcement of the EU instruments on EU Nature Protection Legislation – Focus on Site Protection

After this training on EU Nature Protection Law – Focus on Site Protection, 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 nature protection law with focus on site protection 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 workshop implementing the training module is designed to last two and a half days.

The workshop programme “How to handle court proceedings invoking non-compliance with EU Nature Protection Law – Focus on Site Protection” 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: Introduction to the EU Nature Law
- Unit 2: Habitats and Birds Directive in the light of the CJEU case law

Legal framework on completion of the network and the establishment of conservation measures

- Unit 3: Designation of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)
- Unit 4: Obligations of special conservation measures
- Unit 5: Case Study on designation and establishment of conservation measures combining the Habitats and Birds Directives

Article 6 of the Habitats Directive

- Unit 6: Implementation of Article 6 of the Habitats Directive
- Unit 7: Case study on implementation of Article 6(3) and (4) of the Habitats Directive
- Unit 8: Interaction between Article 6 and other assessment procedures under EU Environmental law

Enforcement at national level

- Unit 9: Role of a judge when enforcing EU instruments on waste legislation
- Unit 10: Case study on Habitats Directive – focus on preliminary ruling
- Unit 11: Closing session – evaluation of the workshop

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 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 designed to last approximately two and a half days. The exact structure and length will, of course, be decided by the training providers.

Elements that should be taken into account 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 in order 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 in the course of 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 (IT-training sessions, use of PowerPoint or other audio-visual material, e-learning course, etc.).

For the successful implementation of the workshop and in order 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 waste 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 on the basis of 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

Frontal (face-to-face) presentation

The optimal method for the provision of a large amount of information in a limited period of time is face-to-face 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 constitute a reference document for the future as well, 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 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 waste legal framework, the training also aims at providing participants with some practical experience in the particularities of the cases on the subject.

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 designation and establishment of conservation measures combining the Habitats and Birds Directives, implementation of article 6(3) and (4) of the Habitats Directive and Habitats Directive through the lens of a preliminary ruling.

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 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 are 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 in order 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 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 out 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.

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;
- workshop reader;
- 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 a USB stick, 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 EU Nature Protection Law – Focus on Site Protection 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. 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 Nature Protection Law – Focus on Site Protection.

The key function of this e-learning material is to introduce end users to a number of legal instruments with regard to various aspects of EU Nature law instruments, the designation of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), the establishment of conservation measures, the implementation of Article 6 of the Habitats Directive and its interaction with other assessment procedures under EU environmental law/.

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 face-to-face 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 face-to-face 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 face-to-face workshop for participants to use as a refresher and to re-use with their colleagues alongside the face-to-face 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 the large majority 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 in order 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

Three workshop exercises are proposed for the workshops implementing the training module on 'EU Nature Protection Law – Focus on Site Protection'. All of them are structured on the basis of 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.

Trainer's contributions

In addition to the background documents, every time an implementing workshop on 'How to handle court proceedings invoking non-compliance with EU Nature Protection Law – Focus on Site Protection' 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, a number of 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, in order 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 'EU Nature Protection Law – Focus on Site Protection' and its implementing workshops on "How to handle court proceedings invoking non-compliance with EU Nature Protection Law – Focus on Site Protection", a structure on the basis of 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. With the addition of opening and closing units, serving both pedagogical and organisational purposes, an implementing workshop of 2.5 days could be designed as detailed below:

Setting the scene

- Unit 1: Introduction to the EU Nature Law
- Unit 2: Habitats and Birds Directive in the light of the CJEU case law

Legal framework on completion of the network and the establishment of conservation measures

- Unit 3: Designation of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)
- Unit 4: Obligations of special conservation measures
- Unit 5: Case Study on designation and establishment of conservation measures combining the Habitats and Birds Directives

Article 6 of the Habitats Directive

- Unit 6: Implementation of Article 6 of the Habitats Directive
- Unit 7: Case study on implementation of Article 6(3) and (4) of the Habitats Directive
- Unit 8: Interaction between Article 6 and other assessment procedures under EU Environmental law

Enforcement at national level

- Unit 9: Role of a judge when enforcing EU instruments on waste legislation
- Unit 10: Case study on Habitats Directive – focus on preliminary ruling
- Unit 11: Closing session – evaluation of the workshop

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 contents 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 in order 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, making adjustments on 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 in order 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).

Duration

The time allocated to the opening session will depend on the number of participants attending the workshop. Taking into account that the workshop should ideally have 20 to 30 participants, the opening session should last approximately 30 minutes, in order 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, in order 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: Introduction to EU Nature Law

Short description of the contents and general objectives

The EU is suffering from a loss of biodiversity throughout its territorial and marine areas; a loss that is also occurring in the rest of the world. This unit examines the reasons for that loss, together with a review of the health and social benefits of nature, the economic relevance of ecosystems and biodiversity, and the need for species and habitats protection. The unit then discusses the response of the European Commission, Parliament and Council to the loss of biodiversity by introducing a broad range of strategies and programmes. These include the EU Biodiversity Strategy, which recognises the benefits to EU citizens from biodiversity and which has a 2020 Headline Target of 'halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss'. This target is also included in other EU instruments such as the Roadmap to a Resource Efficient Europe and the Seventh Environment Action Programme.

This unit describes the EU Biodiversity Strategy and its history, as well as EU related strategies and programmes. The unit also provides an overview of EU nature law and related instruments including the Habitats Directive, the Birds Directive, the Invasive Species Regulation, the Environmental Crimes Directive, the Environmental Liability Directive, and the European Commission's Communication on green infrastructure. Further, the unit describes key international nature conservation conventions and the relationship of EU nature law to them. Finally, the unit describes the attitudes of European citizens to the loss of biodiversity.

Specific learning points

- Key terms and concepts concerning nature conservation and ecosystem services
- The need to protect species and habitats
- The health and social benefits of natural capital
- The economic relevance of ecosystems and biodiversity
- The EU Biodiversity Strategy, its history, targets and goals and progress towards them
- Key international nature conventions and strategic plans for biodiversity
- The Birds and Habitats Directives and related EU nature law instruments

Methodology

The scope of this unit is large and contains a substantial amount of information that is required to fully comprehend and to place in context the more specific units that follow it. This unit therefore provides the preliminary information needed to understand the following units and the context in which the law described in them exists. The unit is envisaged as a face-to-face presentation in plenary.

Duration

The duration of this unit should be approximately 75 minutes. Due to the broad scope of this unit and the many and complex topics contained in it, it is essential that the trainer ensures that there is sufficient time for participants to ask questions and to clarify concepts and facts.

Documentation

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

01	PowerPoint presentation 'Introduction to EU Nature Law; Biodiversity, economic, health and scientific impacts on natural capital; EU nature law instruments and how they complement each other'
	EU Documents
02	Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein; http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31997R0338
03	Regulation (EU) No 1143/2014 on the prevention and management of the introduction and spread of invasive alien species; http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AJOL_2014_317_R_0003
04	Directive 2008/99/EC on the protection of the environment through criminal law (Environmental Crime Directive); http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:328:0028:0037:EN:PDF
05	Directive 2004/35/CE on environmental liability with regard to the prevention and remedying of environmental damage (Environmental Liability Directive); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32004L0035
06	Decision No 1386/2013/EU on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet'; http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013D1386
07	Communication from the Commission, Our life insurance, our natural capital: an EU biodiversity strategy to 2020 (COM(2011) 244 final, 3 May 2011); http://ec.europa.eu/environment/nature/biodiversity/comm2006/pdf/EP_resolution_april2012.pdf

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

	EU Documents
08	Council Decision (EU) 2015/451 of 6 March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); http://eur-lex.europa.eu/legal-content/En/TXT/PDF/?uri=OJ:JOL_2015_075_R_0001&from=EN
09	Council Decision of 14 April 2014 on the conclusion, on behalf of the Union, of the Nagoya Protocol on Access to Genetic Resources (2014/283/EU); http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32014D0283
10	Council Decision of 12 February 2013 on the conclusion on behalf of the European Union of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety (2013/86/EU); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013D0086
11	Commission Implementing Regulation (EU) No 792/2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating the trade therein and amending Regulation (EC) No 865/2006; http://eur-lex.europa.eu/legal-content/GA/ALL/?uri=uriserv:OJ.L_.2012.242.01.0013.01.ENG
12	Commission Regulation (EC) No 865/2006 down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein; http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32006R0865
13	Council Decision of 25 June 2002 concerning the conclusion, on behalf of the European Community, of the Cartagena Protocol on Biosafety (2002/628/EC); http://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32002D0628
14	Decision No 1600/2002/EC laying down the Sixth Community Environmental Action Programme; http://eur-lex.europa.eu/legal-content/FRN/AUTO/?uri=celex:32002D1600
15	Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein; http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:31997R0338
16	Council Decision of 7 October 1997 on the conclusion of the Convention for the protection of the marine environment of the North-East Atlantic (98/249/EC); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:31998D0249
17	Council Decision 82/72/EEC concerning the conclusion of the Convention on the conservation of European wildlife and natural habitats (Bern Convention); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31982D0072
18	Council Decision of 24 June 1982 on the conclusion of the Convention on the conservation of migratory species of wild animals (82/461/EEC) (Bonn Convention); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A31982D0461
19	European Commission, Multi-Annual ELD Work Programme (MAWP) for the Period 2017-2020, 'Making the Environmental Liability Directive More Fit for Purpose' (28 February 2017); http://ec.europa.eu/environment/legal/liability/pdf/MAWP_2017_2020.pdf
20	Commission Communication, Next steps for a sustainable European future; European

	action for sustainability (COM(2016) 739 final, 22 November 2016); https://ec.europa.eu/europeaid/sites/devco/files/communication-next-steps-sustainable-europe-20161122_en.pdf
21	Report from the Commission under Article 18(2) of Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage (COM(2016) 204 final, 14 April 2016); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2016:204:FIN
22	Commission Staff Working Document REFIT Evaluation of the Environmental Liability Directive Accompanying the document Report from the Commission to the European Parliament and to the Council pursuant to Article 18(2) of Directive 2004/35/EC on environmental liability with regard to the prevention and remedying of environmental damage (SWD(2016) 121 final, 14 April 2016); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=SWD:2016:121:FIN
23	European Parliament resolution of 2 February 2016 on the mid-term review of the EU's Biodiversity Strategy (2015/2137(INI)); http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2016-0034
24	Report from the Commission, The Mid-Term Review of the EU Biodiversity Strategy to 2020 (COM(2015) 478 final, 2 October 2015); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52015DC0478
25	Attitudes of Europeans towards biodiversity (2015); http://ec.europa.eu/COMMFrontOffice/PublicOpinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2091
26	Consultation on the future EU initiative on No Net Loss of biodiversity and ecosystem services (2014); http://ec.europa.eu/environment/consultations/nnl_en.htm
27	Communication on green infrastructure (GI) – enhancing Europe's natural capital (COM(2013) 249 final, 6 May 2013); http://ec.europa.eu/environment/nature/ecosystems/docs/green_infrastructures/1_EN_ACT_part1_v5.pdf
28	European Commission, Factsheet, The Economic Benefits of Natura 2000 (2013) http://ec.europa.eu/environment/nature/natura2000/financing/docs/Economic%20Benefits%20Factsheet.pdf
29	Communication from the Commission, Roadmap to a Resource Efficient Europe (COM(2011) 571 final, 20 September 2011); http://webcache.googleusercontent.com/search?q=cache:X6tSeTYN5PYJ:eur-lex.europa.eu/legal-content/EN/TXT/%3Furi%3DCELEX%253A52011DC0571+%&cd=2&hl=en&ct=clnk&gl=uk
30	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Regional Policy Contributing to Sustainable Growth in Europe 2020 (COM(2011) 17 final, 26 January 2011); http://ec.europa.eu/regional_policy/sources/docoffic/official/communic/sustainable/comm2011_17_en.pdf
31	Communication from the Commission, Progress Report on the Sustainable

	Development Strategy 2007 (COM(2007) 642 final, 22 October 2007); http://eur-lex.europa.eu/legal-content/hr/TXT/?uri=CELEX:52007DC0642
32	Communication from the Commission, Halting the loss of biodiversity by 2010 - and beyond - Sustaining ecosystem services for human well-being (COM(2006) 216 final, 22 May 2006); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2006:0216:FIN
33	Communication from the Commission on the review of the Sustainable Development Strategy; A platform for action (COM(2005)658 final, 13 December 2005); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52005DC0658
34	Communication from the Commission, A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development (Commission's proposal to the Gothenburg European Council) (COM(2001) 264 final, 15 May 2001); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52001DC0264
35	Communication from the Commission to the Council and the European Parliament – Biodiversity Action Plans in the Areas of Conservation of Natural Resources, Agriculture, Fisheries, and Development and Economic Co-operation (COM(2001) 162 final, 27 March 2001); http://www.europarl.europa.eu/meetdocs/committees/envi/20011218/com(2001)162EN.pdf
36	Communication from the Commission to the Council and the European Parliament on a European Community biodiversity strategy (COM(1998) 42 final, 4 February 1998); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:51998DC0042
	UN and Council of Europe Documents
37	UN General Assembly, Resolution adopted by the General Assembly on 25 September 2015; Transforming our world: the 2030 Agenda for Sustainable Development; https://webcache.googleusercontent.com/search?q=cache:G5YqmceTNJQJ:https://sustainabledevelopment.un.org/post2015/transformingourworld+&cd=4&hl=en&ct=clnk&gl=uk
38	2030 Agenda and 17 sustainable development goals agreed at Rio + 20 UN Conference on sustainable development 2012; https://sustainabledevelopment.un.org/rio20
39	Strategic Plan for Biodiversity 2011-2020, including Aichi Biodiversity Targets; https://www.cbd.int/sp/
40	Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety; https://bch.cbd.int/protocol/NKL_text.shtml
41	Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation; https://www.cbd.int/abs/text/
42	Cartagena protocol on biosafety; https://bch.cbd.int/protocol/text/
43	UN Convention on Biological Diversity; https://www.cbd.int/convention/text/
44	Convention on wetlands of international importance especially as waterfowl habitat 1971 (Ramsar Convention); http://ramsar.rgis.ch/cda/en/ramsar-documents-texts/main/ramsar/1-31-38_4000_0
45	UN World Heritage Convention; http://whc.unesco.org/uploads/activities/documents/activity-562-4.pdf
46	Council of Europe, Convention on the conservation of European wildlife and natural

	habitats (Bern Convention); https://rm.coe.int/1680078aff
47	Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); https://cites.org/eng/disc/text.php
48	Convention on conservation of migratory species of wild animals (Bonn Convention); http://www.cms.int/sites/default/files/instrument/CMS-text.en_.PDF
49	Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention); https://www.ospar.org/convention/text
	Reports
50	Institute for European Environmental Policy, The Health and Social Benefits of Nature and Biodiversity Protection (final report, 28 April 2016) (funded by the European Commission, DG Environment (ENV.B.3/ETU/2014/0039)); http://ec.europa.eu/environment/nature/biodiversity/intro/docs/Health%20and%20Social%20Benefits%20of%20Nature%20-%20Final%20Report%20Main%20sent.pdf
51	Institute for European Environmental Policy, The Economic Benefits of the Natura 2000 Network Synthesis Report (2013) (funded by the European Commission DG Environment (07.0307/2010/581178/SER/B3); http://ec.europa.eu/environment/nature/natura2000/financing/docs/ENV-12-018_LR_Final1.pdf
52	Institute for European Environmental Policy, Costs and Socio-Economic Benefits associated with the Natura 2000 Network (final report, 13 August 2010) (funded by the European Commission DG Environment (ENV.B.2/SER/2008/0038); http://ec.europa.eu/environment/nature/natura2000/financing/docs/natura2000_costs_benefits.pdf
53	The Economics of Ecosystems and Biodiversity: Mainstreaming the Economics of Nature: A synthesis of the approach, conclusions and recommendations of TEEB (2010); http://www.teebweb.org/publication/mainstreaming-the-economics-of-nature-a-synthesis-of-the-approach-conclusions-and-recommendations-of-teeb/
54	Millennium Ecosystem Assessment; Natural Assets and Human Well-being; Statement from the Board (March 2005); https://www.millenniumassessment.org/documents/document.429.aspx.pdf
	Article
55	Gerardo Ceballos, Paul R. Ehrlich and Rodolfo Dirzo, 'Biological annihilation via the ongoing sixth mass extinction signaled by vertebrate population losses and declines', Proceedings of the National Academy of Sciences (published online 20 July 2017); http://www.pnas.org/content/114/30/E6089.full.pdf

Trainer's profile

It is essential to identify a trainer with in-depth knowledge of this unit and the ability to present the information in a clear and concise manner. An experienced professor of environmental law is an ideal choice.

Unit 2: Habitats and Birds Directives in light of the CJEU case law

Short description of the contents and general objectives

The Birds Directive and the Habitats Directive form the cornerstone of EU nature conservation legislation. Together, they provide the legal framework for the classification and designation, respectively, of the Natura 2000 network - which now encompasses about 18 per cent of the territorial area of the EU and about four per cent of its marine area. Some Member States have a greater percentage of Natura 2000 sites than others, a fact that reflects the uneven nature of biodiversity across the 14 biogeographical areas of the EU. Regardless of the extent of the area covered by the Natura 2000 network in individual Member States, it is crucial that the transposition, implementation and enforcement of the Birds and Habitats Directives are consistent throughout the entire EU.

The CJEU has issued a large number of rulings on both Directives and thus has had, and continues to have, a significant role in ensuring the proper application of the Directives. This unit reviews and examines the Habitats and Birds Directives, their history and objectives, and their provisions. The unit thus provides, among other things, the overall context for the following units on specific provisions in the Directives. In addition, the unit describes the Natura 2000 network focusing on differences between protected areas in Member States. This is followed by a review of the European Commission's Fitness Check of the Birds and Habitats Directives, and the Commission's Action Plan for Nature, People and the Economy that followed the Fitness Check.

Participants from the national judiciary/ies should increase their knowledge of the case law of the CJEU on the Birds and Habitats Directives, with the purpose of learning about and understanding: the objectives and provisions of both Directives; obstacles and challenges for Member States in transposing, implementing and enforcing their provisions; and key case law by the CJEU on both Directives, focusing on provisions that may be brought before national judges

Specific learning points

- The history, objectives and provisions of the Birds Directive
- The history, objectives and provisions of the Habitats Directive
- Key case law by the CJEU on the Birds and Habitats Directives
- The scope of the Natura 2000 network and differences in the extent of the network in individual Member States
- The Fitness Check of the Birds and Habitats Directives
- The European Commission's Action Plan for Nature, People and the Economy

Methodology

The scope of this unit is large and contains a lot of information that is required to comprehend effectively and to put the units that follow it, which deal with specific provisions of the Birds and Habitats Directives and case studies concerning them, in context. The unit should therefore be a face-to-face presentation in plenary.

Time frame

The duration of this presentation should be approximately 75 minutes. Due to the broad scope of this unit and the complexity of the Birds and Habitats Directives, it is essential that the trainer ensures that there is sufficient time for participants to ask questions so as to understand the nature and context of the Directives.

Documentation

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

01	PowerPoint presentation 'Habitats and Birds Directives in light of the CJEU case law'
	EU Documents
02	Directive 2009/147/EC on the conservation of wild birds (Birds Directive); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009L0147
03	Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (consolidated version) (Habitats Directive); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01992L0043-20130701
04	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); http://ec.europa.eu/environment/nature/legislation/fitness_check/action_plan/communication_en.pdf

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

05	Council conclusions on EU Action Plan for nature, people and the economy (Press release 387/17, 19 June 2017); http://www.consilium.europa.eu/en/press/press-releases/2017/06/19-conclusions-eu-action-plan-nature/
06	Commission Staff Working Document, Factsheets providing details of actions in the Action Plan for nature, people and the economy, Accompanying the document Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions An Action Plan for nature, people and the economy (SWD(2017) 139 final, 27 April 2017); http://ec.europa.eu/environment/nature/legislation/fitness_check/action_plan/factsheets_en.pdf
07	Commission Staff Working Document, Fitness Check of the EU Nature Legislation (Birds and Habitats Directives) (SWD(2016) 472 final, 16 December 2016); http://ec.europa.eu/environment/nature/legislation/fitness_check/docs/nature_fitness_check.pdf and http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm
08	Article 6 of the Habitats Directive; Rulings of the European Court of Justice (final draft, September 2014); http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ_rulings%20Article%206%20-%20Final%20Sept%202014-2.pdf
09	European Commission, Farming for Natura 2000 Guidance on how to support Natura 2000 farming systems to achieve conservation objectives, based on Member States good practice experiences (2014); http://ec.europa.eu/environment/nature/natura2000/management/docs/FARMING%20FOR%20NATURA%202000-final%20guidance.pdf
10	Report from the Commission to the Council and the European Parliament, Composite Report on the Conservation Status of Habitat Types and Species as required under Article 17 of the Habitats Directive (COM(2009), 358 final, 13 July 2009); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52009DC0358
11	European Commission, Guidance document on hunting under Council Directive 79/409/EEC on the conservation of wild birds "The Birds Directive" (2009); http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/hunting_guide_en.pdf
12	European Commission, Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC (2007); http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance

	ce_art6_4_en.pdf
13	Report on the implementation of the Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (COM(2003) 845 final, 5 January 2004); http://natura2000.ro/wp-content/uploads/2014/10/Report.CE.Directive.Habitats.En.pdf
14	Report from the Commission on the implementation of the Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (COM(2003) 845 final, 5 January 2003); http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0845:FIN:EN:PDF
15	European Commission, Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (2000) ; http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf
16	European Commission, Natura 2000; Nature and Biodiversity Newsletter (includes Natura 2000 Barometer (published quarterly)); http://webcache.googleusercontent.com/search?q=cache:VwVp7aUmkjAJ:ec.europa.eu/environment/nature/info/pubs/natura2000nl_en.htm+&cd=1&hl=en&ct=clnk&gl=uk
17	European Environment Agency, State of nature in the EU: Results from reporting under the nature directives 2007–2012 (EEA Technical Report No 2/2015); https://www.eea.europa.eu/publications/state-of-nature-in-the-eu
18	<i>Grüne Liga Sachsen eV v Freistaat Sachsen</i> (Case No C-399/14, 2016); http://curia.europa.eu/juris/document/document.jsf?docid=173523&mode=lst&pageIndex=1&dir=&occ=first&part=1&text=&doclang=EN&cid=2088896
19	<i>Orleans v Vlaams Gewest</i> (Case No C-387/15, 2016); http://curia.europa.eu/juris/document/document.jsf?text=&docid=181944&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=239028
20	<i>Briels v Minister van Infrastructuur en Milieu</i> (Case No C-521/12, 2014); http://curia.europa.eu/juris/document/document.jsf?docid=152343&doclang=EN
21	<i>Sweetman v An Bord Pleanála</i> (C-258/11, 2013); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62011CJ0258
22	<i>Landelijke Vereniging tot Behoud van de Waddenzee v Staatssecretaris van Landbouw, Natuurbeheer en Visserij</i> (Case No C-127/02, 2004) (<i>Wadden Sea</i>); http://curia.europa.eu/juris/showPdf.jsf?text=&docid=49452&pageIndex=0&doclan

	g=EN&mode=lst&dir=&occ=first&part=1&cid=2092361
23	<i>Commission v Germany</i> (Case No C-71/99, 2001); http://curia.europa.eu/juris/showPdf.jsf?text=&docid=46561&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=2092977
24	<i>R v Secretary of State ex parte First Corporate Shipping</i> (Case No C-371/98, 2001); http://curia.europa.eu/juris/showPdf.jsf?text=&docid=45764&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=2093237
25	<i>R v Secretary of State for the Environment</i> (Case No C-44/95, 1996) (<i>Lappel Bank</i>); http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:61995CJ0044&from=EN
26	<i>European Commission v Spain</i> (Case No C-355/90, 1993) (<i>Santoña Marshes</i>); http://eur-lex.europa.eu/resource.html?uri=cellar:4480b8ef-0a66-4cf8-be7f-063625b46826.0002.06/DOC_1&format=PDF
27	<i>Commission v Germany</i> (Case No C-57/89, 1991) (<i>Leybucht Dykes</i>); http://eur-lex.europa.eu/resource.html?uri=cellar:45bad43a-ec48-4f67-b773-653dfaa5286d.0002.06/DOC_2&format=PDF

Trainer profile

It is essential to identify a trainer with in-depth knowledge of the topics covered by this unit and the ability to present the information in a clear and concise manner. An experienced professor of environmental law who fully understands the Birds and Habitats Directive, CJEU case law thereof, and the Natura 2000 network is an ideal choice.

Unit 3: Designation of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)

Short description of the contents and general objectives

The aim of this presentation is to present the legal framework on completion of the Natura 2000 network. In particular, emphasis will primarily be on the general background of the biodiversity policy and nature conservation regime. Moreover, during this presentation the key requirements of the two directives on question (Birds and Habitats Directive) as regards the designation of areas for biodiversity protection shall be addressed.

A complete overview of the designation of Sites of Community Importance (SCIs) and Special Protection Areas (SPAs) shall be provided and discussed through the relevant case law. Thus, the most important CJEU rulings will be examined as well.

Specific learning points

- 7th Environment Action Programme
- EU Biodiversity Strategy to 2020
- Objectives and Scope of the Birds and Habitats Directives
- Criteria for selecting sites eligible as SCIs
- Selection of Special Areas of Conservation (SACs) under Habitats Directive
- Selection of Special Protection Areas (SPAs) under Birds Directive
- Main Issues / Challenges regarding designation
- CJEU case law on designation

Methodology

This unit should be conducted as a face-to-face frontal presentation in plenary. The scope of this unit is rather large and a great deal of information that is useful for effective participation in the rest of the programme needs to be provided. For this reason it is essential that this unit is effectively structured. Participants must acquire the knowledge and skills that will allow them to have an overview for the rest of the workshop's sessions (in particular, the analysis of the actual management regime of the sites and the implementation of the Art. 6 (3) and (4)). There will be sufficient time for participants to raise questions or discuss any unclear points, moderated either by the trainer, the chair of the event, or the judicial training advisor.

Duration

The time allocated to this unit will be approximately 75 minutes and should include at least 10-15 minutes for discussion with the participants.

Documentation (see also general list of materials)

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

01	PowerPoint Presentation 'Designation of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).
02	Directive 2009/147/EC on the conservation of wild birds (Birds Directive);
03	Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (consolidated version) (Habitats Directive);

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

04	Council conclusions on EU Action Plan for nature, people and the economy (Press release 387/17, 19 June 2017); http://www.consilium.europa.eu/en/press/press-releases/2017/06/19-conclusions-eu-action-plan-nature/
05	Commission Staff Working Document, Fitness Check of the EU Nature Legislation (Birds and Habitats Directives) (SWD(2016) 472 final, 16 December 2016); http://ec.europa.eu/environment/nature/legislation/fitness_check/docs/nature_fitness_check.pdf and http://ec.europa.eu/environment/nature/legislation/fitness_check/index_en.htm
	Case Law on Designation
06	C-281/16 Judgment of the Court (Fourth Chamber) of 19 October 2017 Vereniging Hoekschewaards Landschap v Staatssecretaris van Economische Zaken
07	C-141/14 Judgment of the Court (Third Chamber) of 14 January 2016. European Commission v Republic of Bulgaria
08	Case C-301/12 Judgment of the Court (Second Chamber) of 3 April 2014, Cascina Tre Pini Ss v Ministero dell'Ambiente e della Tutela del Territorio e del Mare and Others.
09	C-226/08 Judgment of the Court (Second Chamber) of 14 January 2010, Stadt Papenburg v Bundesrepublik Deutschland.
10	C-535/07 Judgment of the Court (Second Chamber) of 14 October 2010. European Commission v Republic of Austria
11	C-191/05 Judgment of the Court (Second Chamber) of 13 July 2006, Commission

	<u>of the European Communities v Portuguese Republic.</u>
12	<u>C-334/04 Judgment of the Court (Second Chamber) of 25 October 2007.</u> <u>Commission of the European Communities v Hellenic Republic</u>
13	<u>C-235/04 Judgment of the Court (Second Chamber) of 28 June 2007.</u> <u>Commission of the European Communities v Kingdom of Spain</u>
14	<u>C-418/04 Judgment of the Court (Second Chamber) of 13 December 2007.</u> <u>Commission of the European Communities v Ireland.</u>
15	<u>C-71/99 Judgment of the Court (Sixth Chamber) of 11 September 2001.</u> <u>Commission of the European Communities v Federal Republic of Germany</u>
16	<u>C-374/98 Judgment of the Court (Sixth Chamber) of 7 December 2000.</u> <u>Commission of the European Communities v French Republic.</u>
17	<u>C-371/98 Judgment of the Court of 7 November 2000, The Queen v Secretary of State for the Environment, Transport and the Regions, ex parte First Corporate Shipping Ltd, interveners: World Wide Fund for Nature UK (WWF) and Avon Wildlife Trust.</u>
18	<u>C-3/96 Judgment of the Court of 19 May 1998, Commission of the European Communities v Kingdom of the Netherlands.</u>
19	<u>C-44/95 Judgment of the Court of 11 July 1996, Regina v Secretary of State for the Environment, ex parte: Royal Society for the Protection of Birds.</u>

Trainer's profile

The trainer/facilitator presenting the legal framework concerning the designation of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) shall be an all-round expert and fully familiar with the EU Nature Law as well as legal documents in implementation of the two directives concerned. A possible trainer may be a civil officer from an EU or relevant national or regional authority, or an academic with practical experience in this field.

Unit 4: Obligations of special conservation measures

Short description of contents and general objectives

The aim of this unit is to shed light on the actual management regime for the sites. This presentation in particular constitutes a thorough analysis of Art. 6 of the Habitats Directive as regards the legal protection framework for the proposed sites of Community importance (pSCI), the sites of Community Importance (SCIs) and the Special Areas of Conservation (SPAs). The ultimate objective of both Birds and Habitats Directives regarding the establishment of conservation measures is to ensure that the species and habitats reach “favourable conservation status”. For that purpose, the Directives provide for a preventive as well as a positive/proactive conservation action.

Article 6 constitutes the core legal provision in the field of protection and management of Natura 2000 sites including general preventive and proactive conservation requirements as well as procedural rules regarding new developments (plans and projects). In this context, this presentation extensively covers the analysis of Art. 6 (1), (2), (3) and (4) together with the most significant CJEU case law.

Specific learning points

- Objectives of Birds and Habitats Directives regarding protection and conservation
- Article: Protecting and Managing Natura 2000 sites regime
- Analysis of Article 6 (1) of the Habitats Directive and relevant CJEU case law
- Analysis of Article 6 (2) of the Habitats Directive and relevant CJEU case law
- Analysis of Article 6 (3) of the Habitats Directive and relevant CJEU case law
- Brief analysis of Article 6 (4) of the Habitats Directive and relevant CJEU case law
- Overview of the typical problems encountered with applying Art. 6 (3) and (4) of the Habitats Directive

Methodology

This unit should be conducted as a face-to-face frontal presentation in plenary. Given that the field of actual management of the sites is highly technical and quite complicated, it firstly needs a systematic presentation with a focus on the structure of the legal provisions as well as on the main points and the case law of the Court of Justice of the European Union. The order in which the different points of the unit are presented should be defined by the trainer. The subsequent discussion should be moderated either by the trainer, the chair and/or the judicial training advisor of the event.

Duration

The time allocated to this unit will be approximately 75 minutes and should include at least 10-15 minutes for discussion with the participants.

Documentation (see also general list of materials)

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

01	PowerPoint Presentation "Obligations of special conservation measures"
02	Directive 2009/147/EC on the conservation of wild birds (Birds Directive); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32009L0147
03	Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (consolidated version) (Habitats Directive); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:01992L0043-20130701

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

04	Article 6 of the Habitats Directive; Rulings of the European Court of Justice (final draft, September 2014); http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ_rulings%20Art_%206%20-%20Final%20Sept%202014-2.pdf
05	European Commission, Farming for Natura 2000 Guidance on how to support Natura 2000 farming systems to achieve conservation objectives, based on Member States good practice experiences (2014); http://ec.europa.eu/environment/nature/natura2000/management/docs/FARMING%20FOR%20NATURA%202000-final%20guidance.pdf
06	Report from the Commission to the Council and the European Parliament, Composite Report on the Conservation Status of Habitat Types and Species as required under Article 17 of the Habitats Directive (COM(2009), 358 final, 13 July 2009); http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52009DC0358
07	Report from the Commission on the implementation of the Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (COM(2003) 845 final, 5 January 2003); http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2003:0845:FIN:EN:PDF
08	European Commission, Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (2000); http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/pro

	vision_of_art6_en.pdf
	Case Law on Special Conservation Measures
09	<u>C- 142/16 Judgment of the Court (Second Chamber) of 26 April 2017 European Commission v Federal Republic of Germany</u>
10	<u>C-504/14 Judgment of the Court (Fourth Chamber) of 10 November 2016 European Commission v Hellenic Republic</u>
11	<u>C-399/14 Judgment of the Court (Third Chamber) of 14 January 2016. Grüne Liga Sachsen eV and Others v Freistaat Sachsen</u>
12	<u>Case 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>
13	<u>C-258/11 Judgment of the Court (Third Chamber) of 11 April 2013. Peter Sweetman and Others v An Bord Pleanála. Reference for a preliminary ruling: Supreme Court - Ireland.</u>
14	<u>C-182/10 Judgment of the Court (Fourth Chamber) of 16 February 2012, Marie-Noëlle Solvay and Others v Région wallonne.</u>
15	<u>C-404/09 Judgment of the Court (Fourth Chamber) of 24 November 2011. European Commission v Kingdom of Spain</u>
16	<u>C-304/05 Judgment of the Court (Fourth Chamber) of 20 September 2007, Commission of the European Communities v Italian Republic.</u>
17	<u>C-508/04 Judgment of the Court (Fourth Chamber) of 10 May 2007, Commission of the European Communities v Republic of Austria.</u>
18	<u>C-239/04 Judgment of the Court (Second Chamber) of 26 October 2006, Commission of the European Communities v Portuguese Republic.</u>
19	<u>C-6/04 Judgment of the Court (Second Chamber) of 20 October 2005, Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland.</u>
20	<u>C-127/02 Judgment of the Court (Grand Chamber) of 7 September 2004, Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij.</u>

Trainer's profile

The trainer/facilitator presenting the legal protection regime and the obligation of conservation measures for the Natura 2000 sites shall be an all-round expert and fully familiar with the EU Nature Law as well as legal documents in implementation of the two directives concerned. A possible trainer may be a civil officer from an EU or relevant national or regional authority, or an academic with practical experience in this field.

Unit 5: Case study on designation and establishment of conservation measures combining the Habitats and Birds Directives

Short description of content and general objectives

A case study will be presented in this unit. It is about the public authority neglecting to avoid dangers for red kites, which in this case are caused by operation of an authorised wind farm near a Natura 2000 site. This problem is put into the context of an administrative lawsuit. The categories of admissibility, well-foundedness and interim relief have to be discussed. Therefore, the slides give an introduction into the specific context of the protection of the red kite and the habitat (SPA). They also include the main features of administrative justice through a comparative lens.

Specific learning points

- Omission
- Admissibility
- Well-foundedness
- Legal security versus legality
- Birds Directive
- Habitats Directive
- Natura 2000
- SPA and SAC
- Interim relief

Methodology

The case-study will be distributed in printed form to the participants in the user's pack at the beginning of the workshop. The participants will be urged to read the case-study tasks before the session: firstly, not to lose time devoted to the working-group discussions, and secondly to discuss possible unclear issues with the trainer during the introduction of the case study. Then the trainer will explain the factual background of the cases and the questions to be discussed. Following a short introduction, participants will be divided into working groups of 6-8 people, thoroughly mixed to maximise exposure to other legal cultures. The groups should appoint a moderator and a rapporteur. The groups will discuss the cases on the basis of the applicable material presented and discussed during the presentation, and will develop their solutions. The trainer is expected to circulate among the groups to respond to questions arising during the discussion time.

After the group discussion participants will reconvene in plenary. Each group will have a rapporteur to explain the results of their discussion. The trainer will comment on their findings during the debriefing of the case studies. The trainer will also invite comments

from other groups or individuals and seek to stimulate a debate where differences of opinion, approach or interpretation are apparent. The suggested solution by the trainer shall be distributed afterwards. If the discussion touches a lot of different issues and various problems are raised, it is also advisable to create a summary of the discussion and solutions reached during the plenary session to be distributed after the workshop in addition to the trainer's prepared suggested solution.

Duration

The introduction to the case studies should take 15 minutes; afterwards participants will be divided into 4-5 groups. The discussion on the cases shall take 45 minutes, the following discussion in plenary including the debriefing shall take another 30 minutes.

The time allocated to this sub-session should be approximately 90 minutes, including some time for discussion.

Documentation

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

01	Case study: "Mr Green, the Wind Turbine and the Red Kite"
02	PowerPoint: Solution to the case study ("Mr Green, the Wind Turbine and the Red Kite")
03	Birds Directive
04	Habitats Directive

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 judge experienced in administrative justice. The trainer should be available during the group discussion to assist participants if they need them for further clarification of the task. At the debriefing the trainer should be available for an interactive discussion with all the participants and able to lead the discussion and summarise the results achieved.

Unit 6: Implementation of Article 6 of the Habitats Directive

Short description of content and general objectives

The aim of this presentation is to present the core provision on site protection in the Habitats Directive 92/43 in the light of the relevant jurisprudence of the Court of Justice. The main focus is put on the appropriate assessment of and on consent for plans and projects that could significantly affect protected sites as well (Art. 6(3)). In addition, the derogation for plans and projects that need to be authorised for imperative reasons of overriding public interest in spite of significant impacts on sites (Art. 6(4)), the general duty to protect sites (Art. 6(2)) and site management (Art. 6(1)) will be covered.

Specific learning points

- Article 6 of the Habitats Directive
- Appropriate Assessment: triggering of the obligation, content, results
- Regular Consent to plans and projects: absence of reasonable scientific doubt with regard to the absence of significant impacts
- Derogation for important plans or projects
- Duty to protect sites
- Site management

Methodology

The focus of this unit lies in the presentation of the abundant jurisprudence of the Court of Justice on Article 6 of the of the Habitats Directive, in particular with regard to the appropriate assessment under Article 6(3) and to the general duty to protect sites under Article 6(2). The session will mainly be organised as face-to-face frontal training, but some case-oriented questions to the audience are also included.

The scope of this unit is rather large and includes a great deal of information that is useful for the judicial application of Article 6 of the Habitats Directive. There should be sufficient time for participants to raise questions or discuss any unclear points.

Duration

The duration of this session should be 90 minutes for presentation and 15 minutes for discussion.

Documentation (see also general list of materials)

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

01	PowerPoint Presentation 'Implementation of Article 6 of the Habitats Directive'
02	Habitats Directive
03	Birds Directive

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

04	Article 6 of the Habitats Directive; Rulings of the European Court of Justice (final draft, September 2014); http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ_rulings%20Art_%206%20-%20Final%20Sept%202014-2.pdf
05	European Commission, Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC (2007); http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance_art6_4_en.pdf
	Case Law on Implementation of Article of the Habitats Directive
06	<u>C- 142/16 Judgment of the Court (Second Chamber) of 26 April 2017 European Commission v Federal Republic of Germany</u>
07	<u>Joined Cases C-387/15 and C-388/15 Judgment of the Court (Seventh Chamber) of 21 July 2016, Hilde Orleans and Others v Vlaams Gewest</u>
08	<u>C-504/14 Judgment of the Court (Fourth Chamber) of 10 November 2016, European Commission v Hellenic Republic</u>
09	<u>C-141/14 Judgment of the Court (Third Chamber) of 14 January 2016. European Commission v Republic of Bulgaria</u>
10	<u>Case 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>
11	<u>C-258/11 Judgment of the Court (Third Chamber) of 11 April 2013. Peter Sweetman and Others v An Bord Pleanála. Reference for a preliminary ruling: Supreme Court - Ireland.</u>
12	<u>C-182/10 Judgment of the Court (Fourth Chamber) of 16 February 2012, Marie-Noëlle Solvay and Others v Région wallonne.</u>
13	C-281/16 Judgment of the Court (Fourth Chamber) of 19 October 2017

	<u>Vereniging Hoekschewaards Landschap v Staatssecretaris van Economische Zaken</u>
14	<u>C-404/09 Judgment of the Court (Fourth Chamber) of 24 November 2011, European Commission v Kingdom of Spain.</u>
15	<u>C-241/08 Judgment of the Court (Second Chamber) of 4 March 2010, European Commission v French Republic.</u>
16	<u>C-304/05 Judgment of the Court (Fourth Chamber) of 20 September 2007, Commission of the European Communities v Italian Republic.</u>
17	<u>C-239/04 Judgment of the Court (Second Chamber) of 26 October 2006, Commission of the European Communities v Portuguese Republic.</u>
18	<u>C-418/04 Judgment of the Court (Second Chamber) of 13 December 2007, Commission of the European Communities v Ireland.</u>
19	<u>C-98/03 Judgment of the Court (Second Chamber) of 10 January 2006, Commission of the European Communities v Federal Republic of Germany.</u>
20	<u>C-127/02 Judgment of the Court (Grand Chamber) of 7 September 2004, Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij.</u>

Trainer profile

As for Unit 6, the trainer/facilitator presenting the legal framework of the Article 6 of the Habitats Directive with main emphasis on appropriate assessment and compensation measures shall be an all-round expert and fully familiar with the extensive and complicated CJEU case law. A possible trainer may be an expert from the Court of Justice of the European Union.

Unit 7: Case study in implementation of Article 6(3) and 6(4) of the Habitats Directive

Short description of content and general objectives

During this unit a case study will be presented. Participants will be able to deepen their knowledge regarding the implementation of Article 6(3) and 6(4) of the Habitats Directive in a practical manner and also further their grasp of the knowledge gained with regard to the challenges faced by Member States. This case study should also enable judges and prosecutors to facilitate discussion on how they would solve the problems presented (i.e. extent of judicial review, quash of permit for procedural fault, conditions of amicable settlement) and share their practice in different jurisdictions they represent. The case studies prepared for this unit may also be inspired by real CJEU case-law.

Specific learning points

- Conditions for invoking an infringement of Natura 2000 rules
- Extent of judicial review/administrative discretion
- Impacts on conservation objectives: Art. 6 (3) screening and assessment criteria
- Quash of permit for procedural fault
- Amicable settlement
- Preconditions for derogations set out in Article 6 of Habitats Directive

Methodology

The case-study will be distributed in printed form to the participants in the user's pack at the beginning of the workshop. The participants will be urged to read the case-study tasks before the session: firstly, not to lose time devoted for the working-groups discussions, and secondly to discuss possible unclear issues with the trainer during the introduction of the case study. Then the trainer will explain the factual background of the cases and the questions to be discussed. Following a short introduction, participants will be divided into working groups of 6-8 people, thoroughly mixed to maximise exposure to other legal cultures. The groups should appoint a moderator and a rapporteur. The groups will discuss the cases on the basis of the applicable material presented and discussed during the presentation, and will develop their solutions. The trainer is expected to circulate among the groups to respond to questions arising during the discussion time.

After the group discussion participants will reconvene in plenary. Each group will have a rapporteur to explain the results of their discussion. The trainer will comment on their findings during the debriefing of the case studies. The trainer will also invite comments from other groups or individuals and seek to stimulate a debate where differences of opinion, approach or interpretation are apparent. The suggested solution by the

trainer shall be distributed afterwards. If the discussion touches a lot of different issues and various problems are raised, it is also advisable to create a summary of the discussion and solutions reached during the plenary session to be distributed after the workshop in addition to the trainer's prepared suggested solution.

Duration

The introduction to the case studies should take 15 minutes; afterwards participants will be divided into 4-5 groups. The discussion on the cases shall take 45 minutes, the following discussion in plenary including the debriefing shall take another 30 minutes.

The time allocated to this sub-session should be approximately 90 minutes, including some time for discussions

Documentation

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

01	Case Study "Mountain bike downhill course in Natura 2000 site"
02	Power Point: Solution to the case study "Mountain bike downhill course in Natura 2000 site"
03	Habitats Directive
04	Birds Directive

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 judge experienced with issues of judicial review proceedings at national level.

The trainer should be available during the group discussion to assist participants if they need them for further clarification of the task. At the debriefing the trainer should be available for an interactive discussion with all the participants and able to lead the discussion and summarise the results achieved.

Unit 8: Interaction between Article 6 and other assessment procedures under EU Environmental Law

Short description of content and general objectives

The aim of this presentation is to discuss the relationship between Article 6 of the Habitats Directive and other relevant EU legislation, in particular Directive 2011/92 on the Environmental Impact Assessment (EIA), Directive 2001/42 on the Strategic Environmental Assessment (SEA), the Water Framework Directive 2000/60 and EU agricultural law. With regard to the first three instruments the focus will be put on the relationship between the different procedures for the assessment of measures. In addition, the Water Framework Directive raises the question how the substantial standards of this Directive and of Article 6 of the Habitats Directive relate to each other. Finally, there are some very limited specific rules agricultural practices that could be relevant for protected Habitats sites.

Specific learning points/ questions raised for the case study

- Structure and operation of the EIA and the SEA, with particular attention to site protection
- Structure and operation of Article 4 and 6 of the Water Framework Directive, with particular attention to site protection
- In particular: Derogations to the prohibition of deterioration of water quality and water quality standards as well as their relationship to the derogation under Article 6(4) of the Habitats Directive
- Relationship between site protection requirements and agricultural subsidies

Methodology

This unit aims to describe a number of different instruments of EU law and their relationship to site protection under Article 6 of the Habitats Directive. It will be organised almost exclusively as face-to-face frontal training.

The scope of this unit is rather large and a great deal of information needs to be provided. For this reason it is essential that this unit is effectively structured. Participants should acquire an overview of the relationship between site protection and the legislation presented in this session. There will be sufficient time for participants to raise questions or discuss any unclear points.

Duration

The duration of this session should be 75 minutes of presentation and 15 minutes for discussion.

Documentation (see also general list of materials)

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

01	PowerPoint Presentation 'Interaction between Article 6 of the Habitats Directive and other assessment procedures under EU Environmental law'
02	Directive 2011/92/EU as amended by Directive 2014/52/EU
03	Directive 2001/42/EC
04	Directive 2000/60/EC

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

05	Regulation (EU) No 1306/2013
06	Regulation (EU) No 1307/2013
	Relevant CJEU Case Law
07	<u>C-444/15 Judgment of the Court (Third Chamber) of 21 December 2016 Associazione Italia Nostra Onlus v Comune di Venezia and Others</u>
08	<u>C-290/15 Judgment of the Court (Second Chamber) of 27 October 2016 Patrice D'Oultremont and Others v Région wallonne</u>
09	<u>C-243/15 Judgment of the Court (Grand Chamber) of 8 November 2016 Lesoochranské zoskupenie VLK v Obvodný úrad Trenčín</u>
10	<u>C-244/12 Judgment of the Court (Fifth Chamber), 21 March 2013 Salzburger Flughafen GmbH v Umweltssenat</u>
11	<u>C-177/11 Judgment of the Court (Fourth Chamber) of 22 September 2011. Genovaitė Valčiukienė and Others v Pakruojo rajono savivaldybė and Others</u>
12	<u>C-295/10 Judgment of the Court (Eighth Chamber) of 21 June 2012. Syllogos Ellinon Poleodomon kai Chorotakton v Ypourgos Perivallontos, Chorotaxias & Dimosion Ergon and Others</u>
13	<u>C-115/09 Judgment of the Court (Fourth Chamber) of 12 May 2011. Bund für Umwelt und Naturschutz Deutschland, Landesverband Nordrhein-Westfalen eV v Bezirksregierung Arnsberg.</u>
14	<u>C-156/07 Order of the Court (Sixth Chamber) of 10 July 2008, Salvatore Aiello and Others v Regione Lombardia and Others.</u>

15	<u>C-418/04 Judgment of the Court (Second Chamber) of 13 December 2007, Commission of the European Communities v Ireland.</u>
16	<u>C-98/03 Judgment of the Court (Second Chamber) of 10 January 2006, Commission of the European Communities v Federal Republic of Germany.</u>

Trainer's profile

As for the Unit 8, the trainer presenting the topic "Interaction between Article 6 and other assessment procedures under EU Environmental Law" shall have in-depth knowledge of this topic and the ability to present this comparative legal analysis in a clear and concise manner. Moreover, the trainer shall be fully familiar with the various assessment mechanisms in the EU legislation and policy as well as the CJEU case law related to the three directives concerned.

Therefore, an ideal trainer may be either an expert from the Court of Justice of the European Union or an experienced professor of environmental law.

Unit 9: Role of a judge when dealing with files on EU Nature Protection

Short description of content and general objectives

The general objective of this presentation is to show that the national judge, when applying EU Nature Protection Law, is nothing else but an EU judge. Having this in mind the slides give an overview of the main features that are important for judges in the EU legal order. The session shall focus on the interplay between the Court of Justice and the national judiciaries. A toolbox of the national judge is described. This is done in a way that is very easy to understand and does not leave out possible problems. The aim is to provide the necessary tools for the national judges in order to assess and decide national cases on the matter ("legal craftsmanship"). The aim is to reiterate common topics and initiate a discussion and a self-reflection of the participants on their own role as national judges in the Member States.

Specific learning points

- Role of the National Judge as EU Judge
- Public Interest Litigation
- EU Judicial Order (Art 19 TEU)
- Preliminary References (Art 267 TFEU)
- Toolbox of the National Judge
- Awareness of EU Nature Protection Law

Methodology

This unit should be conducted as a face-to-face frontal presentation in plenary session. The order in which the different points of the unit are presented should be defined by the trainer. The subsequent discussion should be moderated either by the trainer or the chair of the event.

Duration

The time allocated to this unit will be approximately 60 minutes and should include some time for discussion with the participants

Documentation

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

01	PowerPoint Presentation: How to Handle Court Proceedings Invoking Non-Compliance with EU Nature Protection Law
02	Art 19 TEU

03	Art. 267 TFEU
04	Habitats Directive
05	Birds Directive

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

	EU and Member States` Case Law
01	CJEU, C-240/09 (Brown Bears I)
02	Opinion by AG Sharpston, C-664/15 (Protect)
03	Information Note on references from national courts for a preliminary ruling 2009/C 297/01
04	Commission Notice on access to justice in environmental matters

Trainer`s profile

The trainer/facilitator in this session should be, where possible, someone with practical experience in deciding national cases on EU law.

Unit 10: Case study on Habitats Directive – focus on the preliminary ruling

Short description of the content and general objectives

In this unit another case study will be conducted. It is about assessing a project (bridge) that was built and completed without an appropriate assessment under Article 6 (3) of the Habitats Directive. This problem is put into the context of an administrative lawsuit. The categories of admissibility, well-foundedness, preliminary reference and interim relief have to be discussed. Therefore the slides include main features of administrative justice through a comparative lens highlighting the application of Article 6 (2) of the Habitats Directive. The participants are enabled to apply the Habitats Directive in a complex context.

Specific learning points/ questions raised for the case study

- Admissibility
- Article 6 (3) Habitats Directive
- Article 6 (2) Habitats Directive
- Preliminary reference
- Interim relief

Methodology

The case-study will be distributed in printed form to the participants in the user's pack at the beginning of the workshop. The participants will be urged to read the case-study tasks before the session: firstly, not to lose time devoted to the working-group discussions, and secondly to discuss possible unclear issues with the trainer during the introduction of the case study. Then the trainer will explain the factual background of the cases and the questions to be discussed. Following a short introduction, participants will be divided into working groups of 6-8 people, thoroughly mixed to maximise exposure to other legal cultures. The groups should appoint a moderator and a rapporteur. The groups will discuss the cases on the basis of the applicable material presented and discussed during the presentation, and will develop their solutions. The trainer is expected to circulate among the groups to respond to questions arising during the discussion time.

After the group discussion participants will reconvene in plenary. Each group will have a rapporteur to explain the results of their discussion. The trainer will comment on their findings during the debriefing of the case studies. The trainer will also invite comments from other groups or individuals and seek to stimulate a debate where differences of opinion, approach or interpretation are apparent. The suggested solution by the

trainer shall be distributed afterwards. If the discussion touches a lot of different issues and various problems are raised, it is also advisable to create a summary of the discussion and solutions reached during the plenary session to be distributed after the workshop in addition to the trainer's prepared suggested solution.

Duration

The introduction to the case study shall take 15 minutes; afterwards participants will be divided into groups. The discussion on the case shall last up to 45 minutes, followed by the discussion in the plenary including the debriefing, which shall take another 30 minutes.

Documentation

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

01	PowerPoint: How to Handle Court Proceedings Invoking Non-Compliance with EU Nature Protection Law
02	Case study: "Bridge over troubled water ..."
03	PowerPoint: Solution to the case study ("Bridge over troubled water ...")
04	Habitats Directive
05	Birds Directive

Trainer's profile

Continuous training of judges and prosecutors on the subject can be more successful when done by colleagues who have the same professional background ("speaking the same language"). As for Unit 10, given that the main focus is on the preliminary ruling in the context of Habitats Directive, an ideal speaker could therefore be a judge experienced in administrative law, focusing on environment, and with the necessary experience in issues of judicial review proceedings at national level.

The trainer should be available during the group discussion to assist participants if they need them for further clarification of the task. At the debriefing the trainer should be available for an interactive discussion with all the participants and able to lead the discussion and summarise the results achieved.

Unit 11: 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. Before the final discussion and evaluation of the event is actually opened, each participant should have already filled in the 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

HOW TO HANDLE COURT PROCEEDINGS INVOKING NON-COMPLIANCE WITH EU NATURE PROTECTION LAW FOCUS ON SITE PROTECTION

WORKSHOP FOR JUDGES AND PROSECUTORS

- **Date & Place**

Speakers & training managers

Key elements of the workshop

- Habitats Directive
- Birds Directive
- Legal framework on completion of the network and the establishment of conservation measures
- Implementation of Article 6 Habitats Directive
- CJEU case law on EU nature law
- Judicial review proceedings
- Various case studies on the role of the judge and prosecutor in this matter

Language

Organiser

Day 1

8:45 Arrival and registration of participants

9:15 **Welcome and introduction**

SETTING THE SCENE

9:30 **Introduction to the EU Nature law**

- Biodiversity, economic, health and scientific impacts on natural capital
- EU Nature law instruments and how they complement each other

Speaker

11:00 coffee break

11:30 **Habitats and Birds Directives in the light of the CJEU case law**

- Main objectives and key features
- CJEU case law

Speaker

13:00 lunch break

LEGAL FRAMEWORK ON COMPLETION OF THE NETWORK AND THE ESTABLISHMENT OF CONSERVATION MEASURES

14:00 **Designation of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)**

- Article 4(1) and 4(2) of the Habitats Directive
- Article 4(1) and 4(2) of the Birds Directive
- CJEU case law

Speaker

15:30 coffee break

16:00 **Case study on designation and establishment of conservation measures combining the Habitats and Birds Directives**

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

Speaker

17:00 End of the first workshop day

Day 2

9:00 **Obligations of special conservation measures**

- Legal protection regime for proposed sites of Community importance (pSCI)
- Sites of Community importance (SCI)
- Special areas of conservation (SAC)

Speaker

10:30 coffee break

Objective

This two-and-a-half day workshop will provide the participants with an overview of EU Nature law with the special focus on site protection under the Habitats and Birds Directives. By addressing the issues that may be relevant for judges and prosecutors, it will facilitate the handling of future national court procedures in this field.

Venue

Who should attend?

Judges and prosecutors interested in environmental law

Your contact persons

ARTICLE 6 OF THE HABITATS DIRECTIVE

- 11:30 **Implementation of Article 6 of the Habitats Directive**
- Appropriate assessment and compensation measures
 - CJEU case law
- Speaker*
- 13:00 lunch break
- 14:00 **Case study on implementation of Article 6(3) and (4) of the Habitats Directive**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
- Speaker*
- 15:30 coffee break
- 16:00 **Interaction between Article 6 and other assessment procedures under EU Environmental law**
- Requirements for assessment according to the EIA and SEA Directives
 - Requirements for assessment according to the Water Framework Directive
 - Relation between agricultural activities and nature protection
- Speaker*
- 17:00 End of the second workshop day

Day 3

ENFORCEMENT AT NATIONAL LEVEL

- 09:00 **Role of a judge when dealing with files on EU Nature Protection**
- Speaker*
- 10:30 coffee break
- 11:00 **Case study on Habitats Directive – focus on the preliminary ruling**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
- Speaker*
- 12:30 **Evaluation of the workshop**
- 13:00 **End of the workshop**

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

a. EU Documents
<u>Treaty on European Union (consolidated version), 7 June 2016, OJ C202/01</u>
<u>Treaty on the Functioning of the European Union (consolidated version), 7 June 2016, OJ C202/01</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' (7th Environment Action Programme to 2020)</u>
b. EU Nature Protection Legislation / Site Protection
<u>COUNCIL DIRECTIVE 92/43/EEC of May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive)</u>
<u>DIRECTIVE 2009/147/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 30 November 2009 on the conservation of wild birds (Birds Directive)</u>
<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 (EIA Directive)</u>
<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>
<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>
<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>
<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 (ELD)</u>

Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos

Commission guidance document on streamlining environmental assessments conducted under Article 2(3) of the Environmental Impact Assessment Directive (Directive 2011/92/EU of the European Parliament and of the Council, as amended by Directive 2014/52/EU) (OJ 2016 C 273, 1)

European Commission, Farming for Natura 2000| Guidance on how to support Natura 2000 farming systems to achieve conservation objectives, based on Member States good practice experiences (2014)

Regulation (EU) No 1143/2014 of the European Parliament and of the Council of 22 October 2014 on the prevention and management of the introduction and spread of invasive alien species

Communication on green infrastructure (GI) – enhancing Europe’s natural capital (COM(2013) 249 final, 6 May 2013)

Directive 2008/99/EC on the protection of the environment through criminal law (Environmental Crime Directive)

Council Decision (EU) 2015/451 of 6 March 2015 concerning the accession of the European Union to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Council Decision of 12 February 2013 on the conclusion on behalf of the European Union of the Nagoya-Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety (2013/86/EU)

EU Commission, Links between the Water Framework Directive and Nature Directives, 2011

Regulation (EU) 995/2010 of the European Parliament and of the Council of 20 October 2010 laying down the obligations of operators who place timber and timber products on the market

Regulation (EC) No 1007/2009 (consolidated version) of the European Parliament and of the Council of 16 September 2009 on trade in seal products

Report from the Commission to the Council and the European Parliament, Composite Report on the Conservation Status of Habitat Types and Species as required under

Article 17 of the Habitats Directive (COM(2009), 358 final, 13 July 2009)
Communication from the Commission, Progress Report on the Sustainable Development Strategy 2007 (COM(2007) 642 final, 22 October 2007)
<u>COUNCIL REGULATION (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein</u>
<u>Commission Regulation (EC) No 1024/2008 of 17 October 2008 laying down detailed measures for the implementation of Council Regulation (EC) No 2173/2005 (consolidated version) on the establishment of a FLEGT licensing scheme for imports of timber into the European Community</u>
<u>Commission regulation (EC) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein</u>
<u>Council Regulation (EC) No 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC</u>
<u>COUNCIL REGULATION (EC) No 1782/2003 of 29 September 2003 establishing common rules for direct support schemes under the common agricultural policy and establishing certain support schemes for farmers and amending Regulations (EEC) No 2019/93, (EC) No 1452/2001, (EC) No 1453/2001, (EC) No 1454/2001, (EC) No 1868/94, (EC) No 1251/1999, (EC) No 1254/1999, (EC) No 1673/2000, (EEC) No 2358/71 and (EC) No 2529/2001</u>
Council Decision of 25 June 2002 concerning the conclusion, on behalf of the European Community, of the Cartagena Protocol on Biosafety (2002/628/EC)
Decision No 1600/2002/EC laying down the Sixth Community Environmental Action Programme
CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS (Aarhus Convention) 25 June 1998
Council Decision of 24 June 1982 on the conclusion of the Convention on the conservation of migratory species of wild animals (82/461/EEC) (Bonn Convention)
<u>COUNCIL DECISION 82/72/EEC of 3 December 1981 concerning the conclusion of the</u>

Convention on the conservation of European wildlife and natural habitats (Bern Convention)

c. Implementation of the EU Nature Protection Legislation / Site Protection

Commission Staff working Document of 16.12.2016 of the EU Nature Legislation (Birds and Habitats Directives) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds and Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora

Commission Implementing Regulation (EU) 2016/1141 of 13 July 2016 adopting a list of invasive alien species of Union concern pursuant to Regulation (EU) No 1143/2014 of the European Parliament and of the Council

Commission Implementing Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 (consolidated version) on the protection of species of wild fauna and flora by regulating the trade therein and amending Regulation (EC) No 865/2006

Commission Regulation (EU) No 737/2010 of 10 August 2010 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 of the European Parliament and of the Council on trade in seal products

European Commission guidance document on hunting under Council Directive 79/409/EEC on the conservation of wild birds "The Birds Directive", December 2006

MANAGING NATURA 2000 SITES: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC

Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC

The implementation of the Birds and Habitats Directives in estuaries and coastal zones, European Commission, January 2011

Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC

Guidelines for the establishment of the Natura 2000 network in the marine environment: Application of the Habitats and Birds Directives

d. Useful Documents: Policy Documents, Reports, Fact Sheets

European Commission, Natura 2000; Nature and Biodiversity Newsletter (includes Natura 2000 Barometer (published quarterly)
Special Report More efforts needed to implement the Natura 2000 network to its full potential, 2017
Council conclusions on EU Action Plan for nature, people and the economy (Press release 387/17, 19 June 2017)
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)
Commission Communication, Next steps for a sustainable European future; European action for sustainability (COM(2016) 739 final, 22 November 2016)
European Parliament resolution of 2 February 2016 on the mid-term review of the EU's Biodiversity Strategy (2015/2137(INI))
Institute for European Environmental Policy, The Health and Social Benefits of Nature and Biodiversity Protection (final report, 28 April 2016) (funded by the European Commission, DG Environment (ENV.B.3/ETU/2014/0039))
European Environment Agency, State of nature in the EU: Results from reporting under the nature directives 2007–2012 (EEA Technical Report No 2/2015)
Institute for European Environmental Policy, The Economic Benefits of the Natura 2000 Network Synthesis Report (2013) (funded by the European Commission DG Environment (07.0307/2010/581178/SER/B3)
Wind energy developments and Natura 2000, European Union 2011
Institute for European Environmental Policy, Costs and Socio-Economic Benefits associated with the Natura 2000 Network (final report, 13 August 2010) (funded by the European Commission DG Environment (ENV.B.2/SER/2008/0038)
The Economics of Ecosystems and Biodiversity: Mainstreaming the Economics of Nature: A synthesis of the approach, conclusions and recommendations of TEEB (2010)
Millennium Ecosystem Assessment; Natural Assets and Human Well-being; Statement from the Board (March 2005)
Report from the Commission on the implementation of the Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (COM(2003) 845 final, 5

January 2003)
Natura 2000 and forests 'Challenges and opportunities', European Communities 2003
Sustainable tourism and Natura 2000: Guidelines, initiatives and good practices in Europe, European Communities 2001
Commission Communication of 27 March 2001 to the Council and the European Parliament: Biodiversity Action Plan for Agriculture (Volume III) [COM(2001) 162 final
Appendix 1 : Marine Habitat types definitions. Update of "Interpretation Manual of European Union Habitats"
Appendix 2: Lists of existing marine Habitat types and Species for different Member States
Appendix 3: Examples of the technique of the use of matrix as a management tool for decision-making.
Appendix 4 I: Good experiences and examples of implementation of Natura 2000 in the marine environment including LIFE fund actions in the marine environment
Appendix 4 II: LIFE and the marine environment: Promoting sustainable management of Europe's seas
e. EU Case Law
C-502/15 Judgment of the Court (Ninth Chamber) of 4 May 2017, European Commission v United Kingdom of Great Britain and Northern Ireland
C- 142/16 Judgment of the Court (Second Chamber) of 26 April 2017 European Commission v Federal Republic of Germany
C-315/16 Judgment of the Court (Tenth Chamber) of 30 March 2017, József Lingurár v Miniszterelnökséget vezető miniszter
C-444/15 Judgment of the Court (Third Chamber) of 21 December 2016, Associazione Italia Nostra Onlus v Comune di Venezia and Others
C-461/14 Judgment of the Court (Fifth Chamber) of 24 November 2016, European Commission v Kingdom of Spain
C-504/14 Judgment of the Court (Fourth Chamber) of 10 November 2016, European Commission v Hellenic Republic

[C-243/15 Judgment of the Court \(Grand Chamber\) of 8 November 2016, Lesoochránárske zoskupenie VLK v Obvodný úrad Trenčín](#)

[C-290/15 Judgment of the Court \(Second Chamber\) of 27 October 2016, Patrice D'Oultremont and Others v Région wallonne](#)

[Joined Cases C-387/15 and C-388/15 Judgment of the Court \(Seventh Chamber\) of 21 July 2016, Hilde Orleans and Others v Vlaams Gewest](#)

[C-346/14 Judgment of the Court \(First Chamber\) of 4 May 2016, European Commission v Republic of Austria](#)

[C-141/14 Judgment of the Court \(Third Chamber\) of 14 January 2016. European Commission v Republic of Bulgaria](#)

[C-399/14 Judgment of the Court \(Third Chamber\) of 14 January 2016. Grüne Liga Sachsen eV and Others v Freistaat Sachsen](#)

[C-600/12 Judgment of the Court \(Fifth Chamber\) of 17 July 2014, European Commission v Hellenic Republic \(French\)](#)

[Case C-521/12 Judgment of the Court \(Second Chamber\) of 15 May 2014. T. C. Briels and Others v Minister van Infrastructuur en Milieu](#)

[Case C-301/12 Judgment of the Court \(Second Chamber\) of 3 April 2014, Cascina Tre Pini Ss v Ministero dell'Ambiente e della Tutela del Territorio e del Mare and Others.](#)

[C-258/11 Judgment of the Court \(Third Chamber\) of 11 April 2013. Peter Sweetman and Others v An Bord Pleanála. Reference for a preliminary ruling: Supreme Court - Ireland.](#)

[C-244/12 Judgment of the Court \(Fifth Chamber\), 21 March 2013
Salzburger Flughafen GmbH v Umweltsenat](#)

[C-420/11 Judgment of the Court \(Fourth Chamber\), 14 March 2013
Jutta Leth v Republik Österreich, Land Niederösterreich](#)

[C-517/11 Judgment of the Court \(Fourth Chamber\) of 7 February 2013, European Commission v Hellenic Republic \(French\)](#)

[C-416/11 P Judgment of the Court \(Third Chamber\) of 29 November 2012, United Kingdom of Great Britain and Northern Ireland v European Commission](#)

[C-43/10 Judgment of the Court \(Grand Chamber\) of 11 September 2012. Nomarchiaki](#)

Aftodioikisi Aitoloakarnanias and Others v Ypourgos Perivallontos, Chorotaxias kai Dimosion ergon and Others.

[C-567/10 Judgment of the Court \(Fourth Chamber\), 22 March 2012](#)

[Inter-Environnement Bruxelles ASBL and Others v Région de Bruxelles-Capitale](#)

C-340/10 Judgment of the Court (Fourth Chamber) of 15 March 2012, European Commission v Republic of Cyprus.

C-182/10 Judgment of the Court (Fourth Chamber) of 16 February 2012, Marie-Noëlle Solvay and Others v Région wallonne.

C-404/09 Judgment of the Court (Fourth Chamber) of 24 November 2011, European Commission v Kingdom of Spain.

[C-43/10 Judgment of the Court \(Grand Chamber\) of 11 September 2012, Nomarchiaki Aftodioikisi Aitoloakarnanias and Others v Ypourgos Perivallontos, Chorotaxias kai Dimosion ergon and Others](#)

[C-295/10 Judgment of the Court \(Fourth Chamber\) of 22 September 2011 Genovaitė Valčiukienė and Others v Pakruojo rajono savivaldybė and Others](#)

C-383/09 Judgment of the Court (Fourth Chamber) of 9 June 2011, European Commission v French Republic.

[C-115/09 Judgment of the Court \(Fourth Chamber\) of 12 May 2011.](#)

[Bund für Umwelt und Naturschutz Deutschland, Landesverband Nordrhein-Westfalen eV v Bezirksregierung Arnsberg](#)

C-308/08 Judgment of the Court (Fourth Chamber) of 20 May 2010, European Commission v Kingdom of Spain.

C-241/08 Judgment of the Court (Second Chamber) of 4 March 2010, European Commission v French Republic.

C-226/08 Judgment of the Court (Second Chamber) of 14 January 2010, Stadt Papenburg v Bundesrepublik Deutschland.

C-418/04 Judgment of the Court (Second Chamber) of 13 December 2007, Commission of the European Communities v Ireland.

C-179/06 Judgment of the Court (Fourth Chamber) of 4 October 2007, Commission of the European Communities v Italian Republic.

C-304/05 Judgment of the Court (Fourth Chamber) of 20 September 2007, Commission of the European Communities v Italian Republic.

C-235/04 Judgment of the Court (Second Chamber) of 28 June 2007, Commission of the European Communities v Kingdom of Spain.

C-342/05 Judgment of the Court (Second Chamber) of 14 June 2007, Commission of the European Communities v Republic of Finland.

C-508/04 Judgment of the Court (Fourth Chamber) of 10 May 2007, Commission of the European Communities v Republic of Austria.

C-183/05 Judgment of the Court (Second Chamber) of 11 January 2007, Commission of the European Communities v Ireland

C-418/05 P Order of the Court (Sixth Chamber) of 7 November 2006, Centro Provincial de Jóvenes Agricultores de Jaén (ASAJA) and Others v Council of the European Union.

C-239/04 Judgment of the Court (Second Chamber) of 26 October 2006, Commission of the European Communities v Portuguese Republic.

C-244/05 Judgment of the Court (Second Chamber) of 14 September 2006, Bund Naturschutz in Bayern eV and Others v Freistaat Bayern.

C-191/05 Judgment of the Court (Second Chamber) of 13 July 2006, Commission of the European Communities v Portuguese Republic.

C-221/04 Judgment of the Court (Second Chamber) of 18 May 2006, Commission of the European Communities v Kingdom of Spain.

C-209/04 Judgment of the Court (Second Chamber) of 23 March 2006, Commission of the European Communities v Republic of Austria.

C-518/04 Judgment of the Court (Fifth Chamber) of 16 March 2006, Commission of the European Communities v Hellenic Republic.

C-98/03 Judgment of the Court (Second Chamber) of 10 January 2006, Commission of the European Communities v Federal Republic of Germany.

C-6/04 Judgment of the Court (Second Chamber) of 20 October 2005, Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland.

C-441/03 Judgment of the Court (Second Chamber) of 14 April 2005, Commission of the

<u>European Communities v Kingdom of the Netherlands.</u>
<u>C-117/03 Judgment of the Court (Second Chamber) of 13 January 2005, Società Italiana Dragaggi SpA and Others v Ministero delle Infrastrutture e dei Trasporti and Regione Autonoma Friuli Venezia Giulia.</u>
<u>C-127/02 Judgment of the Court (Grand Chamber) of 7 September 2004, Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij.</u>
<u>C-407/03 Judgment of 15 July 2004, Commission v Finland.</u>
<u>C-143/02 Judgment of the Court (Third Chamber) of 20 March 2003, Commission of the European Communities v Italian Republic.</u>
<u>C-75/01 Judgment of the Court (Sixth Chamber) of 13 February 2003, Commission of the European Communities v Grand Duchy of Luxemburg.</u>
<u>C-103/00 Judgment of the Court (Sixth Chamber) of 30 January 2002, Commission of the European Communities v Hellenic Republic.</u>
<u>C-71/99 Judgment of the Court (Sixth Chamber) of 11 September 2001, Commission of the European Communities v Federal Republic of Germany</u>
<u>C-374/98 Judgment of the Court (Sixth Chamber) of 7 December 2000, Commission of the European Communities v French Republic.</u>
<u>C-371/98 Judgment of the Court of 7 November 2000, The Queen v Secretary of State for the Environment, Transport and the Regions, ex parte First Corporate Shipping Ltd, interveners: World Wide Fund for Nature UK (WWF) and Avon Wildlife Trust.</u>
<u>C-256/98 Judgment of the Court (Fifth Chamber) of 6 April 2000, Commission of the European Communities v French Republic.</u>
<u>C-3/96 Judgment of the Court of 19 May 1998, Commission of the European Communities v Kingdom of the Netherlands.</u>
<u>C-44/95 Judgment of the Court of 11 July 1996, Regina v Secretary of State for the Environment, ex parte: Royal Society for the Protection of Birds.</u>
<u>C-355/90 Judgment of the Court of 2 August 1993, Commission of the European Communities v Kingdom of Spain.</u>
<u>C-57/98 Judgment of the Court of 28 February 1991.</u>

Commission of the European Communities v Federal Republic of Germany
f. UN and Council of Europe Documents
UN General Assembly, Resolution adopted by the General Assembly on 25 September 2015; Transforming our world: the 2030 Agenda for Sustainable Development
The Cancun Declaration on mainstreaming the Conservation and sustainable use of biodiversity for well-being, 6. December 2016
2030 Agenda and 17 sustainable development goals agreed at Rio + 20 UN Conference on sustainable development 2012
Strategic Plan for Biodiversity 2011-2020, including Aichi Biodiversity Targets
Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety
Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilisation
Cartagena protocol on biosafety
UN Convention on Biological Diversity
Convention on wetlands of international importance especially as waterfowl habitat 1971 (Ramsar Convention)
UN World Heritage Convention
Convention on access to information, public participation in decision-making and access to Justice in Environmental Matters, Aarhus, Denmark, on 25 June 1998
Council of Europe, Convention on the conservation of European wildlife and natural habitats (Bern Convention)
Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
Convention on conservation of migratory species of wild animals (Bonn Convention)
Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention)