

COOPERATION WITH NATIONAL JUDGES IN THE FIELD OF EU ENVIRONMENTAL LAW



Trainer's Manual

Module on Nature Protection Law – Focus on Species Protection



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I. Introduction

This training module on **EU Nature Protection Law – Focus on Species 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 Species 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 Species Protection. The key topics to be covered are:

- General framework of EU Nature Protection
- Overview of the EU nature law and policy (Birds and Habitats Directive, main objectives and key features)
- Species protection provisions under the Birds Directive (Art. 5-8, Art. 7(4), Guidance on hunting, Art. 9)
- Species protection provisions under the Habitats Directive (Art. 12 and 16)

- Illegal killing, taking and trade of wild birds (Bern Convention, CITES, EU Wildlife Trade Regulation)
- Role of a national judge when dealing with files on species protection – focus on access to justice

After this training on EU Nature Protection Law – Focus on Species 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 species 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 protection framework
- Unit 2: Overview of EU nature law and policy

Species protection provisions under the Birds Directive

- Unit 3: The EU birds protection regime
- Unit 4: Article 9 of the Birds Directive
- Unit 5: Case Study on the application of derogation under Article 9 of the Birds Directive

Species protection provisions under the Habitats Directive

- Unit 6: Overview of the species protection framework
- Unit 7: Case study on species protection under the Habitats Directive

Illegal killing, taking and trade of wild birds

- Unit 8: Bern Convention Recommendation No 177 (2015)
- Unit 9: Trade in wild fauna and flora
- Unit 10: Case study on illegal killing, taking and trade of birds

Enforcement at national level

- Unit 11: Role of a judge/prosecutor when enforcing EU instruments for species protection – focus on access to justice
- Unit 12: Case study on the role of a judge when dealing with files on species protection – focus on preliminary ruling
- Unit 13: 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 EU nature legal framework with special focus on species protection, 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 i. the application of derogations under Art. 9 of the Birds Directive, ii. the species protection under the Habitats Directive, iii. Illegal killing, taking and trade of birds and iv. the role of a judge when dealing with files on species protection 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 four 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 Species 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 main features of the species protection regime under the Birds Directive (Art. 5-9), the main features of the species protection regime under the Habitats Directive (Art. 12 and 16) as well as the legal framework regarding the illegal killing, taking and trade of wild birds (Bern Convention, CITES, EU Wildlife Trade Regulation).

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 as also be included as background material in the electronic documentation.

- Proposals on which specific material to include in this part of the user's pack are included in Part d) on the analysis of each sub-session of the workshop.

The material should be provided in the language of the workshop. When international workshops are organised, links to EU databases (such as <http://eur-lex.europa.eu/> or <http://curia.europa.eu/>) could be included, so that end users can access EU legal texts in the language of their choice. Further to their inclusion in the electronic documentation, providing the few documents in hard copy that are absolutely essential during the workshop is recommended. Being able to quickly find a provision, see the structure of a legal instrument, make notes etc. could help end users to better follow the training and further familiarise themselves with the legal instruments being discussed.

Workshop exercise material

Four workshop exercises are proposed for the workshops implementing the training module on 'EU Nature Protection Law – Focus on Species 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 Species 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 Species Protection' and its implementing workshops on "How to handle court proceedings invoking non-compliance with EU Nature Protection Law – Focus on Species 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 protection framework
- Unit 2: Overview of EU nature law and policy

Species protection provisions under the Birds Directive

- Unit 3: The EU birds protection regime
- Unit 4: Article 9 of the Birds Directive
- Unit 5: Case Study on the application of derogation under Article 9 of the Birds Directive

Species protection provisions under the Habitats Directive

- Unit 6: Overview of the species protection framework
- Unit 7: Case study on species protection under the Habitats Directive

Illegal killing, taking and trade of wild birds

- Unit 8: Bern Convention Recommendation No 177 (2015)
- Unit 9: Trade in wild fauna and flora
- Unit 10: Case study on illegal killing, taking and trade of birds

Enforcement at national level

- Unit 11: Role of a judge/prosecutor when enforcing EU instruments for species protection – focus on access to justice
- Unit 12: Case study on the role of a judge when dealing with files on species protection – focus on preliminary ruling
- Unit 13: 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 the 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 of biodiversity to EU citizens 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.

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

Methodology

The scope of this unit is large and contains a substantial amount of information that is required to fully comprehend and to place into 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 60 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	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
03	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

Trainer's profile

It is vital to identify a trainer with in-depth knowledge of this unit and the ability to present the information in a clear and concise manner. A policy officer from the European Commission (DG Environment) or an experienced professor of environmental law would be an ideal choice.

Unit 2: Overview of EU nature law and policy

Short description of the contents and general objectives

The aim of this presentation is to provide an overview of the overall EU legal framework on nature protection, starting with an introduction of the Treaties' provisions laying down the legal basis for the EU and its Member States to adopt some policies and measures for nature protection as a matter of shared competence, and pointing out the influence and primacy of international law on biodiversity conservation and species protection, as well as the importance of the some horizontal environmental legislation, in particular Directive 2011/92 on the Environmental Impact Assessment (EIA), Directive 2001/42 on the Strategic Environmental Assessment (SEA), for a proper implementation of EU legislation on nature protection.

Specific learning points

- General and specific objectives of the Habitats and Birds Directives, as the cornerstone of EU nature protection policy, supporting the EU Strategy 2020 on Biodiversity (Targets 1 and 2)
- Structure, content and articulation between the Habitats and Migratory Birds Directives: synergies in scope (*rationae "loci"* and *"materiae"*) and conservation objectives.
- Description of the Natura 2000 network (explain definition criteria and classification procedure for the designation of SPA and SAC, and articulation of the EIA and the SEA requirements).
- Transposition and implementation issues: presentation of the EUCJ case law.

Methodology

This unit aims to describe the general framework of EU nature protection law and policy. It should give a sense of the ambition of the EU to ensure significant improvements in the conservation status of species and habitats protected, notably through the EU Birds

and Habitats Directives in conjunction with other nature protection legislation, for instance on invasive species and international trade of species (CITES and FLEGT), as well as EU environmental horizontal (EIA/SEA) and specific EU legislation protecting natural ecosystems (water, marine environment).

It can be organised in the form of a conference mode or in other forms depending on the training needs. 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 it is effectively structured. Participants should acquire a good understanding of how the EU legislation has developed over time and how it is structured, to help them anticipate implementation issues and ensure proper and coherent application.

There should be sufficient time for participants to raise questions or discuss any points that should be clarified to support implementation, in particular in the light of concrete examples of cases ruled by the EUCJ.

Duration

The duration of this session should be 1 hour of presentation and 15 minutes for discussion.

Documentation (see general list of materials)

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

01	PowerPoint Presentation "Overview of EU Nature Protection Law and Policy"
02	Birds Directive 2009/147/EC (amending and codifying Directive 79/409/EC)
03	Habitats Directive 92/43/EC
04	Directive 2001/42/EC (SEA) and Directive 2011/92/EU as amended by Directive 2014/52/EU (EIA)

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

05	Regulation (EU) No 1306/2013
06	Regulation (EU) No 1307/2013
07	Rulings of the European Court of Justice on Article 6 of the Habitats Directive (2014): http://ec.europa.eu/environment/nature/info/pubs/docs/others/ECJ_rulings%20Art_%206%20-%20Final%20Sept%202014-2.pdf

Trainer profile

The trainer in this session could be an expert from the Court of Justice of the European Union or an environmental lawyer.

Unit 3: The EU birds protection regime

Short description of the contents and general objectives

The aim of this presentation is to give an overview of the EU Birds protection regime. Emphasis is given in particular to the categories of protection of bird species, the flexibilities in the protective regime and the commercialisation of birds, the species action plans for threatened birds, the hunting provisions under Article 7 as well as the guidelines on sustainable hunting.

Specific learning points

- Threatened birds, priority birds
- Action plans for threatened birds
- Art. 7 of Birds Directive: Implementation of hunting provisions
- Art. 7(4) of Birds Directive: Key concepts
- Guidelines on Sustainable Hunting
- Monitoring & Reporting

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. Participants must acquire the knowledge that will allow them to have an overview of the complex birds' protection framework. 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
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	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.

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: Article 9 of the Birds Directive

Short description of the contents and general objectives

The aim of this presentation is to present the derogation to provisions on species protection in the Birds Directive 2009/47, such as the prohibitions of Article 5 and the rules on hunting in Article 7, in the light of the relevant jurisprudence of the Court of Justice.

Specific learning points

- Article 9 of the Birds Directive
- Prohibitions of Article 5 of the Birds Directive
- Rules on Hunting of Article 7 of the Birds Directive
- Absence of other satisfactory solutions & proportionality
- Grounds for Derogation
- Capture, keeping or other judicious use of certain birds

Methodology

The focus of this unit lies in the presentation of the jurisprudence of the Court of Justice on Article 9 of the Birds Directive, in particular its interaction with Article 5 and 7. 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 focussed and provides the necessary information to address derogation cases in practice. There should be sufficient time for participants to raise questions or discuss any unclear points.

Duration

The duration of this session should be 30 – 45 minutes of presentation and 15 minutes for discussion.

Documentation (see general list of materials)

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

01	PowerPoint Presentation 'Article 9 of the Birds Directive'
02	
03	
04	

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

05	EU Commission, Guide on hunting under the Birds Directive (updated in 2008), pp. 41 - 72, http://ec.europa.eu/environment/nature/conservation/wildbirds/hunting/docs/hunting_guide_en.pdf
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Trainer profile

The trainer in this session could be an expert from the Court of Justice of the European Union.

Unit 5: Case study on the application of derogation under Article 9 of the Birds Directive

Short description of content and general objectives

A case study will be presented in this unit. It is about the application of derogation under Article 9 of the Birds Directive. This case study constitutes a compliment to the presentation of the previous unit highlighting the practical difficulties in the interpretation and application of the conditions for activating the derogations under Art. 9.

Specific learning points

- General requirements
- Reasons for derogations
- Scope of derogations
- Admissibility
- Well-foundedness
- Standing of NGOs

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
02	PowerPoint: Solution to the case
03	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 a judge experienced in administrative justice or an expert from the Court of Justice of the European Union. The trainer should be available during the group discussion to assist participants if they need 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.

Unit 6: Overview of the species protection framework

Short description of content and general objectives

The aim of this unit is to present the core provisions under the Habitats Directive as regards species protection. Particular focus is on Articles 12 and 16 of the Habitats Directive. The system of strict protection under Art. 12 as well as the substantive requirements of the derogations under Art. 16 constitute the main pillars of this unit. In addition to this, emphasis is given to the relevant CJEU case law regarding the key problems related to the transposition and application of the aforementioned provisions.

Specific learning points

- Systematic analysis of the Article 12 of the Habitats Directive
- Overview of the derogations according to the Article 16 of the Habitats Directive
- CJEU case law
- EU species action plans

Methodology

Systematic analysis of the species protection provisions under the Habitats Directive. Comprehensive overview of the scope of the prohibitions under the Article 12 as well as definition of its main key concepts.

Furthermore, solid presentation of the general issues, reporting obligations and substantive requirements for the derogations under Article 16. The interpretation and implementation problems are being highlighted through the informative analysis of the relevant CJEU cases related to the three-step test for assessing whether a derogation can be granted.

Duration

The duration of this session should be 60 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 'Overview of the species protection framework'
02	Habitats Directive
03	EC guidance on Articles 12 and 16 of the Habitats Directive

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

04	C-103/00 <i>Commission v. Greece</i>
05	C-98/03 <i>Commission v. Germany</i>
06	C-344/03 <i>Commission v. Finland</i>
07	C-6/04 <i>Commission v. Italy</i>
08	C-221/04 <i>Commission v. Spain</i>
09	C-342/05 <i>Commission v. Finland</i>

Trainer profile

As for Unit 6, the trainer/facilitator presenting the legal framework of Articles 12 and 16 of the Habitats Directive shall be an all-round expert and fully familiar with the extensive

and complicated theoretical framework and CJEU case law. A possible trainer may be a professor of environmental law or an expert from the Court of Justice of the European Union.

Unit 7: Case study on species protection under the Habitats Directive

Short description of 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 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 context of species protection.

Specific learning points

- 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 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 "Too bad for the bats"
02	Power Point: Solution to the case study ("Too bad for the bats")

03	Habitats Directive
04	Birds Directive
05	C-399/14 <i>Grüne Liga Sachsen</i>

Trainer's profile

Continuous training of judges on a 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 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: Bern Convention Recommendation No 177 (2015)

Short description of the contents and general objectives

The aim of this presentation is to introduce the Bern Convention on the Conservation of European Wildlife and Natural Habitats and to provide a short description of the recommendations adopted to strengthen the enforcement of nature conservation. In particular, the Bern Convention Recommendation No 177 (2015) is discussed in detail, with a list of the gravity factors and sentencing principles for the evaluation of offences against birds, and in particular the illegal killing, trapping and trade of wild birds.

Specific learning points

- Character and scope of the Bern Convention, its implementation in EU law
- The Bern Convention compliance mechanism
- The role of the recommendations and guidelines on criminal liability in a wider context
- Bern Convention Recommendation No 177 (2015) – Annex I and Annex II

Methodology

This unit aims to describe possible advantages of application of recommendations (*soft law*) in order to enhance enforcement of nature conservation law. It will be organised almost exclusively as face-to-face frontal training. The scope of this unit is not large, but the participants are confronted with various levels of legal regulation (international and EU law) and in a wider context with the case law of the CJEU and the ECHR. For this reason it is essential that this unit is effectively structured. There will be sufficient time for participants to raise questions or discuss any unclear points and to contribute with their own experience in sentencing and using gravity factors for the evaluation of offences against birds. It is suggested that the unit is followed by a case study on the

same or similar topic so that the participants can recognise and discuss different approaches to the topic among the Member States.

Duration

The duration of this session should be 1 hour 15 minutes of presentation and 15 minutes for discussion.

Documentation (see general list of materials)

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

01	PowerPoint Presentation 'Bern Convention Recommendation No 177 (2015)'
02	Bern Convention Recommendation No 177 (2015)
03	The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention)
04	

Trainer profile

The trainer in this session would be an environmental expert from a Member State or professor of environmental law.

Unit 9: Trade in wild fauna and flora

Short description of the contents and general objectives

The aim of this presentation is to introduce the basic regulation in the field of international trade in wild fauna and flora and to discuss basic differences between the international regime presented by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the EU regime presented by Regulation (EC) No. 338/97.

Specific learning points

- CITES – Fundamental principles and scope of biodiversity protection, categories of specimen, measures to be taken by the Parties regarding prosecution and punishment
- The EU and CITES - Legislation transposing CITES in the EU, main differences and principles (CJEU case law), measures to be taken by the MS regarding prosecution and punishment
- Protective regime – Prohibitions and exemptions, obligations of the owner

Methodology

This unit aims to describe the basic regulatory measures in trade with endangered species introduced at the international level and modified for the purposes of common EU trade. It will be organised almost exclusively as face-to-face frontal training. The scope of this unit is large, but attempts to not go beyond what is necessary for the national judges. There will be sufficient time for participants to raise questions or discuss any unclear points and to contribute with their own experience in wildlife trade cases, especially with regards to prosecution, obtaining evidence and sentencing. It is suggested that the unit is followed by a case study on the same or similar topic so that

the participants can recognise and discuss different approaches to the topic among the Member States.

Duration

The duration of this session should be 1 hour 15 minutes of presentation and 15 minutes for discussion.

Documentation (see general list of materials)

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

01	PowerPoint Presentation 'Trade in Wild Fauna and Flora'
02	Art. 8, 9 and 16 of Regulation No 338/97 on the protection of species of wild fauna and flora by regulating trade therein
03	CJEU judgment in case C-344/08 (<i>Rubach</i>)

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

04	Regulation No 338/97 in full length
05	CITES Convention
06	CJEU judgment in case C-219/07 (<i>Nationale Raad van Dierenkwekers en Liefhebbers and Andibel</i>)
07	CJEU judgment in case C-532/13 (<i>Sofia Zoo</i>)

Trainer profile

The trainer in this session would be an environmental expert from a Member State or professor of environmental law.

Unit 10: Case study on illegal killing, taking and trade of birds

Short description of the content and general objectives

In this unit another case study will be consulted. It is about implementing the complex set of provisions combatting illegal killing, taking of and trading in wild birds. Emphasis is given to the sentencing principles and gravity factors for the evaluation of offences against birds as well as the procedures of imposing penalties in such crimes. Moreover, given that the cases of illegal killing, taking of and trade in birds often fall into both the administrative and criminal law regimes, it will be shed light on the combination of administrative and criminal sanctions at national level.

Specific learning points/ questions raised for the case study

- Identification and evaluation of the offences against birds
- Processes of imposing sanctions in crimes against birds
- Administrative and criminal protective regime
- Administrative and criminal penalties
- Gravity factors according to Bern Convention

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	Case study: "Illegal killing, taking and trade of birds"
02	PowerPoint: Solution to the case study ("Illegal killing, taking and trade of birds")
03	Bern Convention

04	CITES Convention
05	Regulation 338/97

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 11, 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: 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 raise the awareness of access to justice in environmental matters of species protection. The slides give an overview of the main features that are important for deciding cases under the Habitats and the Birds Directive. A special focus is put on the role of the national judge within the system of the EU legal order ("domestic judge as EU judge"). The so called "pyramid of legal sources" is explained and may lead to a better understanding of the interplay between the different layers of law. A special focus is put on the Aarhus Convention. In order to reflect the practical work within the national judiciaries a case study is presented. In the course of the legal reasoning the "two Brown Bear decisions" are introduced. Especially the approach taken by the Brown Bear II decision is presented as a basis to grant access to justice for those (minor) activities that nevertheless may require public participation without being "listed activities". Last but not least the interplay between EU Directives and national law is explored. This is done in a comprehensive way that should be easy to understand.

Specific learning points

- Role of the national Judge
 - legal grounds
- Species Protection within a multi layered legal system
 - Aarhus Convention
 - EU Directives
 - domestic law
 - access to Justice
 - Birds Directive

- derogation
- direct effect
- 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.

Time frame

The time allocated to this unit will be approximately 90 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
02	Birds Directive
03	Aarhus Convention

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

	EU and Member States` Case Law
01	CJEU, C-240/09) "Slovak Brown Bear /LZ (I)"
02	CJEU, C-243/15) "Slovak Brown Bear /LZ (II)"

Trainer's profile

An ideal speaker may be a professor or a practitioner. However, it is important that they are able to show the audience how access to justice may be relevant when deciding cases on species protection.

Unit 12: Case study on the role of a judge when dealing with files on species protection – preliminary ruling

Short description of the 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 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 which 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/ questions raised for the case study

- 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

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	Case study: "Hunting Trophy"
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02	PowerPoint: Solution to the case study ("Hunting Trophy")
03	Habitats Directive
04	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 11, 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 further clarification of the task. At the debriefing the trainer should be available for an interactive discussion with all the participants and be able to lead the discussion and summarise the results achieved.

Unit 13: 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 SPECIES PROTECTION WORKSHOP FOR JUDGES AND PROSECUTORS

- **Date & Place**

Speakers & training managers

Key elements of the workshop

- Habitats Directive
- Birds Directive
- Application of derogations under Article 9 of Birds Directive
- Implementation of Articles 12 and 16 of Habitats Directive
- CJEU case law on species protection
- Bern Convention Recommendation No 177 (2015) on illegal killing, trapping and trade of wild birds
- The role of the judge and prosecutor in species protection
- Various case studies on the topics

Language

Organiser

Day 1

9:15 Arrival and registration of participants

9:45 **Welcome and introduction**

SETTING THE SCENE

10:00 **Introduction to the EU nature protection framework**

- Biodiversity, economic, health and scientific impacts on natural capital
- EU Biodiversity Strategy
- Key terms and concepts

Speaker

11:00 coffee break

11:30 **Overview of EU nature law and policy**

- EU nature law instruments and how they complement each other
- Birds and Habitats Directives
- Main objectives and key features

Speaker

13:00 lunch break

SPECIES PROTECTION PROVISIONS UNDER THE BIRDS DIRECTIVE

14:00 **The EU birds protection regime**

- Threatened birds, LIFE priority birds
- Key concepts of Article 7(4) of the Birds Directive
- Analysis of Articles 5-8 of the Birds Directive
- Guidance on hunting

Speaker

14:45 **Article 9 of the Birds Directive**

- Legal requirements of derogations under this provision
- CJEU case law
- EC guidance documents

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

Objective

This two-and-a-half day workshop will provide the participants with an overview of EU Nature law with the special focus on species 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

Day 2

SPECIES PROTECTION PROVISIONS UNDER THE HABITATS DIRECTIVE

- 9:15 **Overview of the species protection framework**
- EC guidance on Articles 12 and 16 of the Habitats Directive
 - EU species Red Lists
 - EU species action plans
- Speaker*
- 10:30 Coffee break
- 11:00 **Case study on species protection under the Habitats Directive**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
- Speaker*
- 12:30 Lunch break

ILLEGAL KILLING, TAKING AND TRADE OF WILD BIRDS

- 13:30 **Bern Convention Recommendation No 177 (2015)**
- Process of imposing sanctions in wildlife crimes
 - Gravity factors and sentencing principles for the evaluation of offences against birds
 - Illegal killing, trapping and trade of wild birds
- Speaker*
- 14:15 **Trade in wild fauna and flora**
- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
 - EU Wildlife Trade Regulation
- Speaker*
- 15:00 **Illegal killing, trapping and trading of birds: a brief journey through Europe**
- IMPEL Nature Protection Project
 - Best practices and challenges
- John Visbeen*
- 15:30 Coffee break
- 16:00 **Case study on illegal killing, taking and trading of birds**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
- Vojtěch Vomáčka*
- 17:30 End of the second workshop day

Day 3

ENFORCEMENT AT NATIONAL LEVEL

09:00 **Role of a judge/prosecutor when enforcing EU instruments for species protection – focus on access to justice**
Speaker

10:30 coffee break

11:00 **Case study on the role of a judge when dealing with files on species protection –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**

For programme updates: www.era.int
Programme may be subject to amendment.

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

I. EU Documents

1. EU Treaty

[Consolidated Version of the Treaty of the European Union and of the Treaty of the Functioning of the European Union, 2016 OJ C 202/01](#)

[Charter of Fundamental Rights of the European Union, \(2016 OJ C 202/02\)](#)

2. EU Legislation and related documents

[Commission Implementing Regulation \(EU\) 2017/1915 of 19 October 2017 prohibiting the introduction into the Union of specimens of certain species 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](#)

[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](#)

[Regulation \(EU\) No 511/2014 of the European Parliament and of the Council of 16 April 2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the](#)

[Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union](#)

[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 \(2013/86/EU\)](#)

[Commission Implementing Regulation \(EU\) No 607/2012 of 6 July 2012 on the detailed rules concerning the due diligence system and the frequency and nature of the checks on monitoring organisations as provided for in Regulation \(EU\) No 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market](#)

[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 \(**EIA Directive**\)](#)

[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](#)

[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](#)

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

[Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds](#)

(Birds Directive)

[Commission Regulation \(EC\) No 1024/2008 of 17 October 2008 laying down detailed measures for the implementation of Council Regulation \(EC\) No 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community](#)

[Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law](#)

[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](#)

[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 \(ELD\)](#)

[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](#)

[Council Decision of 25 June 2002 concerning the conclusion, on behalf of the European Community, of the Cartagena Protocol on Biosafety \(2002/628/EC\)](#)

<p><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></p>
<p><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></p>
<p><u>Council Directive 1999/22/EC of 29 March 1999 relating to the keeping of wild animals in zoos</u></p>
<p><u>Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive)</u></p>
<p><u>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></p>
<p><u>COUNCIL DECISION 82/72/EEC of 3 December 1981 concerning the conclusion of the Convention on the conservation of European wildlife and natural habitats (Bern Convention)</u></p>
<p><u>European Parliament resolution of 2 February 2016 on the mid-term review of the EU's Biodiversity Strategy (2015/2137(INI))</u></p>
<p><u>COM(2015) 478 final, Report from the Commission to the European Parliament and the Council, the mid-term review of the EU biodiversity strategy to 2020, 2 October 2015</u></p>
<p><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></p>
<p><u>COM(2013) 249 final Communication on green infrastructure (GI) –</u></p>

[enhancing Europe's natural capital, 6 May 2013](#)

[COM\(2011\) 244 final , Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, Our life insurance, our natural capital: an EU biodiversity strategy to 2020, 3 May 2011](#)

3. Case Law

a.) Case Law on Species Protection and Biodiversity

[Case C-441/17, Commission v Poland \(Forêt de Białowieża\), Order of the Court, 20 November 2017](#)

[Opinion of AG Bot, 20 February 2018](#)

[Case C-281/16 Judgment of the Court \(Fourth Chamber\) of 19 October 2017, Vereniging Hoekschewaards Landschap v Staatssecretaris van Economische Zaken](#)

[C- 142/16 Judgment of the Court \(Second Chamber\) of 26 April 2017 European Commission v Federal Republic of Germany](#)

[C-444/15 Judgment of the Court \(Third Chamber\) of 21 December 2016, Associazione Italia Nostra Onlus v Comune di Venezia and Others](#)

[Case C-461/14 Judgment of the Court \(Fifth Chamber\) of 24 November 2016, European Commission v Kingdom of Spain](#)

[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](#)

<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>
<u>C-346/14 Judgment of the Court (First Chamber) of 4 May 2016, European Commission v Republic of Austria</u>
<u>C-141/14 Judgment of the Court (Third Chamber) of 14 January 2016. European Commission v Republic of Bulgaria</u>
<u>C-399/14 Judgment of the Court (Third Chamber) of 14 January 2016. Grüne Liga Sachsen eV and Others v Freistaat Sachsen</u>
<u>Case C-473/14 Judgment of the Court (Ninth Chamber) of 10 September 2015, Dimos Kropias Attikis v Ypourgos Perivallontos, Energeias kai Klimatikis Allagis</u>
<u>C-600/12 Judgment of the Court (Fifth Chamber) of 17 July 2014, European Commission v Hellenic Republic (French)</u>
<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>
<u>Case C-258/11 Judgment of the Court (Third Chamber), 11 April 2013, Peter Sweetman and Others v An Bord Pleanála</u>
<u>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.</u>
<u>C-244/12 Judgment of the Court (Fifth Chamber) of 21 March 2013, Salzburger Flughafen GmbH v Umweltsenat</u>
<u>C-420/11 Judgment of the Court (Fourth Chamber) of 14 March 2013, Jutta Leth v Republik Österreich, Land Niederösterreich</u>

<u>C-517/11 Judgment of the Court (Fourth Chamber) of 7 February 2013, European Commission v Hellenic Republic (French)</u>
<u>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</u>
<u>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</u>
<u>C-567/10 Judgment of the Court (Fourth Chamber) of 22 March 2012, Inter-Environnement Bruxelles ASBL and Others v Région de Bruxelles-Capitale</u>
<u>C-182/10 Judgment of the Court (Fourth Chamber) of 16 February 2012, Marie-Noëlle Solvay and Others v Région wallonne.</u>
<u>C-404/09 Judgment of the Court (Fourth Chamber) of 24 November 2011, European Commission v Kingdom of Spain.</u>
<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>
<u>C-308/08 Judgment of the Court (Fourth Chamber) of 20 May 2010, European Commission v Kingdom of Spain.</u>
<u>C-241/08 Judgment of the Court (Second Chamber) of 4 March 2010, European Commission v French Republic.</u>
<u>C-226/08 Judgment of the Court (Second Chamber) of 14 January 2010, Stadt Papenburg v Bundesrepublik Deutschland.</u>
<u>C-418/04 Judgment of the Court (Second Chamber) of 13 December 2007, Commission of the European Communities v</u>

<u>Ireland</u>
<u>C-179/06 Judgment of the Court (Fourth Chamber) of 4 October 2007, Commission of the European Communities v Italian Republic.</u>
<u>C-304/05 Judgment of the Court (Fourth Chamber) of 20 September 2007, Commission of the European Communities v Italian Republic.</u>
<u>C-235/04 Judgment of the Court (Second Chamber) of 28 June 2007, Commission of the European Communities v Kingdom of Spain.</u>
<u>C-239/04 Judgment of the Court (Second Chamber) of 26 October 2006, Commission of the European Communities v Portuguese Republic.</u>
<u>C-244/05 Judgment of the Court (Second Chamber) of 14 September 2006, Bund Naturschutz in Bayern eV and Others v Freistaat Bayern.</u>
<u>C-191/05 Judgment of the Court (Second Chamber) of 13 July 2006, Commission of the European Communities v Portuguese Republic.</u>
<u>C-209/04 Judgment of the Court (Second Chamber) of 23 March 2006, Commission of the European Communities v Republic of Austria.</u>
<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>
<u>C-441/03 Judgment of the Court (Second Chamber) of 14 April</u>

<u>2005, Commission of the 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 (French)</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-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</u>

[European Communities v Kingdom of the Netherlands.](#)

[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.](#)

[C-355/90 Judgment of the Court of 2 August 1993, Commission of the European Communities v Kingdom of Spain](#)

[C-57/98 Judgment of the Court of 28 February 1991, Commission of the European Communities v Federal Republic of Germany](#)

b.) Article 9 Birds Directive

[Case C-557/15, Opinion of Advocate General Sharpston, delivered on 26 July 2017, Commission v Malta](#)

[Case C-192/11, Judgment of the Court \(Seventh Chamber\) of 26 January 2012, European Commission v Republic of Poland \(French\)](#)

[Case C-508/09, Judgment of the Court \(Eighth Chamber\) of 3 March 2011, European Commission v Italian Republic \(French\)](#)

[Case C-164/09, Judgment of the Court \(Fourth Chamber\) of 11 November 2010, European Commission v Italian Republic](#)

[Case C-76/08, Judgment of the Court \(Second Chamber\) of 10 September 2009, Commission of the European Communities v Republic of Malta](#)

[Case C-507/04, Judgment of the Court \(Fourth Chamber\) of 12 July 2007, Commission of the European Communities v Republic of Austria](#)

[Case C-60/05, Judgment of the Court \(Second Chamber\) of 8 June 2006, WWF Italia and Others v Regione Lombardia](#)

[Case C-344/03, Judgment of the Court \(Second Chamber\) of 15 December 2005, Commission of the European Communities v Republic of Finland](#)

[Case C-182/02, Judgment of the Court \(Sixth Chamber\) of 16 October 2003, Ligue pour la protection des oiseaux and Others v Premier ministre and Ministre de l'Aménagement du territoire et de l'Environnement](#)

[Case C-10/96, Judgment of the Court \(Third Chamber\) of 12 December 1996, Ligue royale belge pour la protection des oiseaux ASBL and Société d'études ornithologiques AVES ASBL v Région Wallonne, interveners: Fédération royale ornithologique belge ASBL](#)

[Case C-339/87, Judgment of the Court of 15 March 1990, Commission of the European Communities v Kingdom of the Netherlands](#)

[Case 236/85, Judgment of the Court of 13 October 1987, Commission of the European Communities v Kingdom of the Netherlands](#)

[Case 247/85, Judgment of the Court of 8 July 1987, Commission of the European Communities v Kingdom of Belgium](#)

c.) Articles 12 and 16 Habitats Directive

[Case C-441/17 R, Order of the Court \(Grand Chamber\) of 20 November 2017, European Commission v. Republic of Poland](#)

[Case C-504/14, Judgment of the Court \(Fourth Chamber\) of 10 November 2016, European Commission v Hellenic Republic --> Article 12\(1\)\(b\) & \(d\)](#)

[Case C-340/10, Judgment of the Court \(Fourth Chamber\), 15 March 2012, European Commission v Republic of Cyprus --> Article 12\(1\)](#)

[Case C-383/09, Judgment of the Court \(Fourth Chamber\) of 9 June 2011, Commission v France](#)

[Case C-342/05, Judgment of the Court \(Second Chamber\) of 14 June 2007, Commission of the European Communities v Republic of Finland](#)

[Case C-508/04, Judgment of the Court \(Fourth Chamber\) of 10 May 2007, Commission of the European Communities v Republic of Austria](#)

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

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

[Case C-518/04, Judgment of the Court \(Fifth Chamber\) of 16 March 2006, Commission of the European Communities v Hellenic Republic \(French\)](#)

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

[Case 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](#)

[Case C-434/01, Judgment of the Court \(Sixth Chamber\) of 6 November 2003, Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland](#)

[Case C-72/02, Judgment of the Court of 24 June 2003, Commission of the European Communities v Portuguese Republic](#)

[Case C-75/01, Judgment of the Court \(Sixth Chamber\) of 13 February 2003, Commission of the European Communities v Grand Duchy of Luxemburg](#)

[Case C-103/00, Judgment of the Court \(Sixth Chamber\) of 30 January 2002, Commission of the European Communities v Hellenic Republic](#)

3. Additional Documents

a.) Policy Documents/Guidelines

[Reference Guide, European Union Wildlife Trade Regulations, June 2017](#)

[Commission Notice — Guidance on Worked Specimens under the EU Wildlife Trade Regulations, C/2017/3108, 17 May 2017](#)

[SWD\(2016\) 472 final Fitness Check 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, 16 December 2016](#)

<u>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)</u>
<u>A best practice guide for monitoring illegal killing and taking of birds, BirdLife International (2015)</u>
<u>Eliminating illegal killing, trapping and trade of birds, Workshop Green Management Team, Final notes from the workshop in Utrecht, 27-28 November 2014, IMPEL</u>
<u>EUROPEAN GUIDELINES on Protected Areas and Invasive Alien Species, Council of Europe, November 2014</u>
<u>Key Concepts of article 7(4) of Directive 79/409/EEC, Period of reproduction and pre-nuptial migration of Annex II bird species in the 28 EU Member States, August 2014</u>
<u>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)</u>
<u>"Contributing to the elimination of illegal killing, trapping and trade of birds", IMPEL, May 2013</u>
<u>Great cormorant - Applying derogations under Article 9 of the Birds Directive 2009/147/EC, European Commission, 2013</u>
<u>EU Commission, Links between the Water Framework Directive and Nature Directives, 2011</u>
<u>The implementation of the Birds and Habitats Directives in estuaries</u>

<u>and coastal zones, European Commission, January 2011</u>
<u>How species conservation can be supported through rural development programmes, Good Practice Examples, November 2009</u>
<u>Guidance document on hunting under Council Directive 79/409/EEC on the conservation of wild birds "The Birds Directive", 2008</u>
<u>Guidelines for the establishment of the Natura 2000 network in the marine environment: Application of the Habitats and Birds Directives, May 2007</u>
<u>Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC, February 2007</u>
<u>Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC, January 2007</u>
<u>COM(2006) 216 final, Communication from the Commission HALTING THE LOSS OF BIODIVERSITY BY 2010 — AND BEYOND Sustaining ecosystem services for human well-being, 22 May 2006</u>
<u>Why do we need to take care of our birds? European Commission, November 2004</u>
<u>AGREEMENT between BirdLife International and FACE on Directive 79/409/EEC, 12 October 2004</u>
<u>Interpretation guide, Natura 2000 and forests 'Challenges and opportunities', European Communities 2003</u>
<u>COM(2001)162 final Communication from the Commission to the Council and the European Parliament, Biodiversity Action Plans in the areas of Conservation of Natural Resources, Agriculture,</u>

[Fisheries, and Development and Economic Co-operation, Volume I, 27 March 2001](#)

[MANAGING NATURA 2000 SITES: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, 2000](#)

b.) Studies/Reports

[Natura 2000 Newsletter](#)

[Illegal killing and taking of birds in Europe outside the Mediterranean: assessing the scope and scale of a complex issue, Anne-Laure Brochet, Willem van den Bossche, Victoria R. Jones etc., published online 15 December 2017](#)

[BirdLife International \(2017\) Review of illegal killing and taking of birds in Northern and Central](#)

[The Killing 2.0, A View to a Kill, Bird Life International, 24 October 2017](#)

[European birds of Conservation Concern, Populations, trends and national responsibilities, BirdLife International Europe and Central Asia, 20 May 2017](#)

[Roadmap towards eliminating illegal killing, trapping and trade of birds, 5 February 2017](#)

[Special report No 01, 2017, More efforts needed to implement the Natura 2000 network to its full potential](#)

[Biodiversity at the heart of accounting for natural capital: the key to credibility, CCI , 14 July 2016](#)

<u>Zero tolerance for illegal killing of wild birds, CYPRUS annual report 2016, Migratory Birds Conservation in Cyprus</u>
<u>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))</u>
<u>Strengthening cooperation with business sectors against illegal trade in wildlife, final report, Issue Number 3 Date 13/11/2015</u>
<u>COM(2015) 219 final, Report from the Commission to the Council and the European Parliament, The State of Nature in the European Union Report on the status of and trends for habitat types and species covered by the Birds and Habitats Directives for the 2007-2012 period as required under Article 17 of the Habitats Directive and Article 12 of the Birds Directive, 20 May 2015</u>
<u>State of nature in the EU, Results from reporting under the nature directives 2007–2012, EEA Technical report N° 2/2015</u>
<u>Review of measures to combat illegal poisoning, The N2K Group, September 2013</u>
<u>Factsheet, Sustainable Hunting and Natura 2000, 2013</u>
<u>State of the World's Birds – Indicators for our changing world, BirdLife, 2012</u>
<u>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)</u>
<u>Final Report, Methodology for bird species recovery planning in the</u>

<u>European Union, BirdLife International, FACE, March 2012</u>
<u>Croxall, J. P, Butchart, S. H. M., Lascelles, B., Stattersfield, A. J., Sullivan, B., Symes, A. and Taylor, P. (2012) Seabird conservation status, threats and priority actions: a global assessment. Bird Conserv. Int. 22: 1–34</u>
<u>Stocktaking of the main problems and review of national enforcement mechanisms for tackling illegal killing, trapping and trade of birds in the EU, Final Report, European Commission (DG Environment), 30 December 2011</u>
<u>Review of The Implementation Of Species Action Plans for Threatened Birds in the European Union 2004-2010 Final Report, BirdLife International 31 March 2011</u>
<u>Taking into account opportunity costs when assessing costs of biodiversity and ecosystem action, IEEP, eco logic, GHK, March 2011</u>
<u>Conservation and Recovery of Threatened Birds in the European Union, Brochure, 2011</u>
<u>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)</u>
<u>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)</u>
<u>Study on understanding the causes of biodiversity loss and the policy assessment framework, DG Environment, October 2009</u>

Further Developing Assumptions on Monetary Valuation of Biodiversity Cost Of Policy Inaction (COPI), IEEP, 14 September 2009
Talling J.C. & Inglis I.R. (2009) Improvements to trapping standards.DG ENV
Ó Críodáin, C. (2007). Study on the Effectiveness of the EC Wildlife Trade Regulations. A TRAFFIC Europe report for the European Commission
Communication from the Commission, Progress Report on the Sustainable Development Strategy 2007 (COM(2007) 642 final, 22 October 2007)
Value of biodiversity - Documenting EU examples where biodiversity loss has led to the loss of ecosystem services, IEEP, June 2006
COM(2003) 845 final 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, 5 January 2003

II. Wildlife Trade

1. CITES Convention

Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973
EU Wildlife Trade 2015: Analysis of the European Union and candidate countries' annual reports to CITES 2015, September 2017
CITES Strategic Vision: 2008-2020, Resolution Conf. 16.3 (Rev. CoP17) Sixteenth meeting of the Conference of the Parties Bangkok (Thailand), 03-14 March 2013

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