

COOPERATION WITH NATIONAL JUDGES IN  
THE FIELD OF  
EU ENVIRONMENTAL LAW



Trainer's Manual  
Module on EU Water Law

---



## Table of contents

<b>I. Introduction.....</b>	<b>3</b>
Objectives.....	3
Structure.....	4
<b>II. Methodology.....</b>	<b>5</b>
Time frame.....	5
Trainer’s profile.....	5
Teaching methods .....	6
Documents .....	9
<b>III. User’s pack: the function of different elements of the training module .....</b>	<b>10</b>
Introduction.....	10
Blended e-learning .....	10
Background documentation.....	11
Workshop exercise material .....	12
Trainer’s contributions.....	12
Additional documents .....	13
<b>IV. Organising and implementing workshop: structure, content and methodology .....</b>	<b>14</b>
Setting the scene.....	15
Unit 1: European waters and their pollution: a political, scientific and technical introduction .....	18
Unit 2: EU water law – general framework .....	20
Unit 3: EU Water Framework Directive .....	26
Unit 4: Case Study on EU Water Framework Directive .....	31
Unit 5: Urban Waste Water Treatment Directive.....	33
Unit 6: Case study on the Urban Waste Water Treatment Directive.....	38
Unit 7: Nitrates Directive .....	40
Unit 8: Case study on the implementation of the Nitrates Directive .....	45
Unit 9: Role of a judge when enforcing EU instruments on water legislation .....	47
Unit 10: Case study on the role of a judge.....	50
Unit 11: Closing session – evaluation of the workshop .....	52
<b>Annex I. Template indicative workshop programme .....</b>	<b>53</b>
<b>Annex II. Background material to be contained in the user’s pack.....</b>	<b>55</b>

## I. Introduction

This training module on **EU Water Law**, 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 water 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 Water Law. 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 international and EU water law. The key topics to be covered are:

- European water management
- Water Framework Directive
- New rulings of the CJEU: C-525/12 on the concept of water services, C-461/13 *Weser*, C-346/14 *Schwarze Sulm*; C-41/10 *Acheloos*
- Urban Waste Water Treatment Directive
- Bathing Water Directive
- Nitrates Directive
- Drinking Water Directive
- Role of a national judge in enforcement of the EU instruments on water legislation

After this training on EU water law, 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 water 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 water law” 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: European waters and their pollution: a political, scientific and technical introduction
- Unit 2: EU water law – general framework

### **Water Framework Directive (WFD)**

- Unit 3: EU Water Framework Directive
- Unit 4: Case study on the EU Water Framework Directive

### **Urban Waste Water Treatment**

- Unit 5: Urban Waste Water Treatment Directive
- Unit 6: Case study on the Urban Waste Water Treatment Directive

### **Nitrates Directive**

- Unit 7: Nitrates Directive
- Unit 8: Case study on the implementation of the Nitrates Directive

### **Enforcement at national level**

- Unit 9: Role of a judge when enforcing EU instruments on water legislation
- Unit 10: Case study on role of a judge (preliminary ruling)
- Unit 11: Closing session – evaluation of the workshop

The various training methods that can be used in future workshops based on this material will also be presented in the module, together with recommendations on how and in which part of the training they may be best employed. Face-to-face presentations can be combined with practical exercises requiring active contribution of participants, IT-supported learning, allowing participants to familiarise themselves with available tools and interactive sessions promoting the exchange of good practice and experience.

## II. Methodology

### Time frame

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

Elements that should be taken into account in each instance when finalising the workshop programme and deciding on the allocation of time between the different sub-sessions include the need to effectively cover all the main features of the subject matter and provide sufficient time for participants to ask questions and interact with the trainers and with each other. The fact that long sessions have proven to be less effective in adult training should be borne in mind. Frequent breaks or changes in teaching style should therefore be introduced in the workshop.

- An indicative time allocation for each unit will be provided in Part IV of this trainer's manual.

### Trainer's profile

Crucial for the success of the training workshop is the selection of trainers. It has been proven that trainers with a professional background common to that of the participants tend to have a better understanding of their training needs and be more effective when addressing them. For this reason, the composition of the target group is a factor to be considered when selecting the trainers of an implementing workshop.

It is also important to identify the right trainer for each unit. In the units where the emphasis is on practical issues, the involvement of a practitioner, lawyer or judge with personal experience in the issue would be ideal. If the focus of a presentation is the transmission of information or the introduction to concepts or a broader area of law, an academic or a suitable policy officer even with a scientific background could also constitute a good option.

- More concrete input on the trainer's profile seemingly best fitting to each unit will be provided in Part IV of this trainer's manual.

In addition to professional qualifications, the quality of an implementing workshop will also depend on the individual trainer's didactic competences and pedagogical skills. Trainers should not only be knowledgeable, but also be able to effectively transmit information, assist end users in developing new skills and motivate them to actively follow the training. They would have to provide the necessary information in a clear and structured manner, highlight the links between participants' daily work and issues being discussed, retain some flexibility in order to adapt to the specific needs and interests of the end users attending the workshop as they become apparent, and be

open and encouraging in discussing and exchanging views with them in the course of the session.

Other skills that potential trainers should ideally possess and which should be considered are the trainer's linguistic skills (when workshops are international), and their familiarity with IT products; the use of technology would be required in at least some parts of the training (IT-training sessions, use of PowerPoint or other audio-visual material, e-learning course, etc.).

For the successful implementation of the workshop and in order to better address participants' training needs, some diversity among the trainers should be sought. Variety between speakers' professional background, gender and (in the context of cross-border training) nationality would enrich the event, offering different perspectives on the issues, employing different teaching methods and ensuring a more comprehensive analysis of water 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 water management legal framework, the training also aims at providing participants with some practical experience in the particularities of the cases on the subject.

In order to further highlight issues requiring special attention and allow participants to develop specific skills, it is important to ensure their involvement in this part of the training. For this reason, specially designed workshop case studies will complement each thematic unit. Another advantage of this method is that the preparation of a case study constitutes an interactive way of learning. After having listened to face-to-face presentations or read background material, participants would appreciate a change of presentation technique.

- Case studies prepared in working groups

During the workshop exercises, participants will be given the opportunity to use their skills and knowledge to solve case studies related to water management, nitrates and urban waste water treatment legal framework.

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 Water Law 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 Water Law.

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 water management, nitrates and urban waste water treatment.

It will include:

- The main international and EU legal instruments as well as case law that will be analysed during the workshop which participants should go through before they attend the course, as well as the corresponding quiz to test their knowledge. The aim is not to replace the face-to-face sessions on these subjects but to complement them by ensuring that all participants have a common basic level of knowledge before they start and can make the most of the discussion to clarify issues in the face-to-face workshops.
- Access to the bibliography of legal instruments and other relevant source material which participants can refer to at any time.
- Access to the remainder of the e-learning version of the training module to be provided after the face-to-face workshop for participants to use as a refresher and to re-use with their colleagues alongside the face-to-face training materials.

Once participants have been selected, they should receive information on how to access the e-learning materials and be encouraged to go through its contents 7-10 days before the implementation of the workshop. In this way, they will have the possibility to refresh or acquire some basic knowledge and be better prepared for the workshop programme.

### Background documentation

Legal texts will make up the large majority of the content of the training materials: international conventions, treaty articles, regulations, directives, case law of the Court of Justice of the European Union etc. will constitute the background to analysis in the workshop. A comprehensive collection of all background documents, which can be referred to after the conclusion of the workshop, should be included in the electronic documentation. Participants are likely to come back to these texts in order to refresh their memory, find a specific provision or judgment, and seek guidance or inspiration if confronted with a case on the subject at a later stage. This format could also support easy further dissemination of this material, which workshop participants could forward to their colleagues if requested.

Further to legal texts, links to online databases, tools and sources, such as the e-justice portal, Eur-Lex, Curia, ECLI and other similar websites should also be included as background material in the electronic documentation.

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

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

### Workshop exercise material

Four workshop exercises are proposed for the workshops implementing the training module on 'EU Water Law'. 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 water law' 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 Water Law' and its implementing workshops on "How to handle court proceedings invoking non-compliance with EU Water law", 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: European waters and their pollution: a political, scientific and technical introduction
- Unit 2: EU water law – general framework

### **Water Framework Directive (WFD)**

- Unit 3: EU Water Framework Directive
- Unit 4: Case study on the EU Water Framework Directive

### **Urban Waste Water Treatment**

- Unit 5: Urban Waste Water Treatment Directive
- Unit 6: Case study on the Urban Waste Water Treatment Directive

### **Nitrates Directive**

- Unit 7: Nitrates Directive
- Unit 8: Case study on the implementation of the Nitrates Directive

### **Enforcement at national level**

- Unit 9: Role of a judge when enforcing EU instruments on water legislation
- Unit 10: Case study on role of a judge (preliminary ruling)
- Unit 11: Closing session – evaluation of the workshop

## Setting the scene

### Short description of the contents

The workshop should always start by welcoming the participants and providing a brief introduction and explanation of the contents of the programme, organisation and implementation of the workshop.

### General objectives

The main objective of this first session is to welcome trainers and participants to the workshop, to set the scene by reminding them of the framework of the training course, and to encourage their interaction and active participation in the course.

### Specific learning points

#### Introduction of organisers of the workshop

The welcoming session shall be used to introduce the training manager of the workshop, who is responsible for the successful implementation of the content of the programme, chairing presentations, managing the question and answer sessions, arranging and implementing the practical exercises, and dealing with *ad hoc* issues during the entire 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 of 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 enable them to also become acquainted with 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 discussions, and an asset in ensuring effective exchange of information and experience. The possibility to discover the experience which the participants bring with them to the training course, and what they are primarily seeking to achieve with 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):**

<b>01</b>	Final version of the workshop programme
<b>02</b>	List of trainers
<b>03</b>	Trainers' CVs
<b>04</b>	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: European waters and their pollution: a political, scientific and technical introduction

### Short description of the contents and general objectives

The aim of this presentation is to help the participants to understand what the major environmental questions posed by waters from a scientific point of view are. The presentation also shows numerous statistics on the situation of waters around Europe, based on data recorded by several authorised entities, among which the European Environmental Agency. With such an overview, participants will have keys to understand why waters need to be regulated and what the major issues that need to be dealt with in European water legislation are.

### Specific learning points

- What does the term waters mean from a scientific point of view ?
- What is the water cycle ?
- What are the pressures on waters ?
- What is the situation of waters nowadays in Europe with regards mainly to:
  - the Water Framework Directive,
  - the Nitrates Directive,
  - the Marine Strategic Framework Directive ?

### Methodology

A comprehensive scientific vision of waters would take several days to be addressed. The presentation is only an overview of the main issues and provides judges, prosecutors and lawyers with a very basic understanding of them. Sources of data that might be useful for trained persons to get more detailed information whenever necessary are given. Ideally, when users see a map that seems interesting they should connect to the source and try to find an updated map and look around to see related information.

### Duration

The duration of this session should be 45-60 minutes (including lecture time and discussion session with the participants).

### Documentation

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

<b>01</b>	PowerPoint Presentation 'European waters and their pollution: a political, scientific and technical introduction'
-----------	---

02	<a href="#">Directive 2013/39/EU</a> of the European Parliament and of the Council of 12 August 2013 amending <a href="#">Directives 2000/60/EC</a> and <a href="#">2008/105/EC</a> as regards priority substances in the field of water policy ( <b>EQS/ Priority Substances</b> )
03	<a href="#">Directive 2008/56/EC</a> of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy ( <b>Marine Strategy Framework Directive</b> )
04	<a href="#">Directive 2000/60/EC</a> of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ( <b>Water Framework Directive</b> )

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

01	<a href="#">Regulation (EC) No 1907/2006</a> of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ( <b>REACH</b> )
02	<a href="#">Council Directive 91/676/EEC</a> of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ( <b>Nitrates Directive</b> )

**Trainer's profile**

The trainer/facilitator in this session should be, where possible, an expert from DG Environment, European Commission, an academic with practical experience or an official from a relevant national public authority with knowledge on EU environmental policy and EU water legislation.

## Unit 2: EU water law – general framework

### Short description of the contents and general objectives

The aim of this presentation is to introduce the participants to the different EU legislations dealing directly with water quality and/or quantity and other instruments which may be of relevance as well. During this presentation the genesis and the historical development of this legislation should be explained. Further, the focus should be put on how much of this legislation complements each other.

### Specific learning points

- Genesis and historical development of EU water legislation
- Overview of legal instruments and their relation in terms of obligations
- Introduce the most important provisions of the Water Framework Directive :
  - Articles 4 WFD on objectives (needed to understand Ground water and EQS Directives)
  - Article 10 WFD on combined approach

### Methodology

As the focus of this unit lies in the provision of information and a number of different pieces of legislation need to be covered, the best option would be to organise it as face-to-face frontal training.

The scope of this unit is rather large and a great deal of information that is required for effectively comprehending the rest of the programme needs to be provided. For this reason it is essential that this unit is effectively structured. Participants must acquire knowledge about the different legislation in place and how they relate in terms of how the authorities must meet all the obligations. The participants must keep this in mind during the rest of the workshop. In order to achieve this, it is essential that the trainer ensures there is sufficient time for participants to raise questions or discuss any unclear points.

### Time frame

The time allocated to this unit will be approximately 45-60 minutes and should include some time for discussion with the participants.

### Documentation

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

01	PowerPoint Presentation 'EU water law – general framework'
02	<a href="#">Directive 2000/60/EC</a> of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ( <b>Water Framework Directive</b> )

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

03	<a href="#">Directive 2013/39/EU</a> of the European Parliament and of the Council of 12 August 2013 amending <a href="#">Directives 2000/60/EC</a> and <a href="#">2008/105/EC</a> as regards priority substances in the field of water policy ( <b>EQS/ Priority Substances</b> )
04	<a href="#">Directive 2011/92/EU</a> 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 ( <b>Environmental Impact Assessment</b> )
05	<a href="#">Directive 2008/105/EC</a> of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending <a href="#">Directive 2000/60/EC</a> of the European Parliament and of the Council
06	<a href="#">Directive 2008/56/EC</a> of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy ( <b>Marine Strategy Framework Directive</b> )
07	<a href="#">Directive 2007/60/EC</a> of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks ( <b>Floods Directive</b> )
08	<a href="#">Directive 2006/118/EC</a> of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration ( <b>Groundwater Directive</b> )
09	<a href="#">Directive 2006/7/EC</a> of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC ( <b>Bathing Water Directive</b> )
10	<a href="#">Directive 2004/35/CE</a> 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 ( <b>Environmental Liability</b> )
11	<a href="#">COUNCIL Directive 98/83/EC</a> of 3 November 1998 on the quality of water intended for human consumption ( <b>Drinking Water Directive</b> )
12	<a href="#">Council Directive 92/43/EEC</a> of 21 May 1992 on the conservation of natural

	habitats and of wild fauna and flora ( <b>Habitats Directive</b> )
13	<a href="#">Council Directive 91/676/EEC</a> of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ( <b>Nitrates Directive</b> )
14	<a href="#">Council Directive 91/271/EEC</a> of 21 May 1991 concerning urban waste water treatment ( <b>Urban Waste Water Treatment Directive</b> )
15	<a href="#">COMMISSION STAFF WORKING DOCUMENT, Agriculture and Sustainable Water Management in the EU</a> , Brussels, 28 April 2017, SWD(2017) 153 final
	<b>EU Case law</b>
16	<a href="#">Case C-529/15</a> , OPINION OF ADVOCATE GENERAL Bobek delivered on 10 January 2017, Gert Folk v Unabhängiger Verwaltungssenat für die Steiermark
17	<a href="#">Case C-686/15</a> , Judgement of the Court (Sixth Chamber) of 7 December 2016, Vodoopskrba i odvodnja d.o.o. v Željka Klafurić
18	<a href="#">Case C-648/13</a> , Judgment of the Court (Sixth Chamber) of 30 June 2016, European Commission v. Republic of Poland
19	<a href="#">Case C-346/14</a> , Judgment of the Court (First Chamber) of 4 May 2016, European Commission v. Republic of Austria ( <b>Schwarze Sulm case</b> )
20	<a href="#">Case C-461/13</a> , Judgment of the Court (Grand Chamber) of 1 July 2015, Bund für Umwelt und Naturschutz Deutschland eV v Bundesrepublik Deutschland, joined party Freie Hansestadt Bremen ( <b>Weser case</b> )
21	<a href="#">Case C-190/14</a> , Judgment of the Court (Eighth Chamber) of 6 November 2014, European Commission v Kingdom of Denmark (available only in French/Danish)
22	<a href="#">Case C-254/14</a> , Order of the Court (Seventh Chamber) of 5 November 2014, VG Vodoopskrba d.o.o. za vodoopskrbu i odvodnju v Đuro Vladika (only available in French/Croatian)
23	<a href="#">Case C-525/12</a> , Judgment of the Court (Second Chamber) of 11 September 2014, European Commission v Federal Republic of Germany ( <b>Concept of water services</b> )
24	<a href="#">Case C-151/12</a> , Judgment of the Court (Fifth Chamber) of 24 October 2013, European Commission v Kingdom of Spain
25	<a href="#">Case C-403/11</a> , Judgment of the Court (Sixth Chamber) of 4 October 2012, European Commission v Kingdom of Spain (available only in French/Spanish)
26	<a href="#">Case C-43/10</a> , Judgment of the Court (Grand Chamber) of 11 September 2012,

	Nomarchiaki Aftodioikisi Aitoloakarnanias and Others v Ypourgos Perivallontos, Chorotaxias kai Dimosion ergon and Others ( <b>Acheloos case</b> )
27	<a href="#">Case C-223/11</a> , Judgment of the Court (Fifth Chamber) of 21 June 2012, European Commission v Portuguese Republic (available only in French/Portuguese)
28	<a href="#">Case C-366/11</a> , Judgment of the Court (Fifth Chamber) of 24 May 2012, European Commission v Kingdom of Belgium (available only in French)
29	<a href="#">Case C-297/11</a> , Judgment of the Court (Sixth Chamber) of 19 April 2012, European Commission v Hellenic Republic (available only in French/Greek)
30	<a href="#">Case C-351/09</a> , Judgment of the Court (First Chamber) of 22 December 2010, European Commission v Republic of Malta
31	<a href="#">Case C-516/07</a> , Judgment of the Court (Seventh Chamber) of 7 May 2009, Commission of the European Communities v Kingdom of Spain (available only in French/Spanish)
32	<a href="#">Case C-264/07</a> , Judgment of the Court (Seventh Chamber) of 31 January 2008, Commission of the European Communities v Hellenic Republic (available only in French/Greek)
33	<a href="#">Case C-85/07</a> , Judgment of the Court (Eighth Chamber) of 18 December 2007, Commission of the European Communities v Italian Republic (available only in French/Italian)
34	<a href="#">Case C-32/05</a> , Judgment of the Court (Third Chamber) of 30 November 2006, Commission of the European Communities v Grand Duchy of Luxembourg
35	<a href="#">Case C-118/05</a> , Judgment of the Court (Sixth Chamber) of 12 January 2006, Commission of the European Communities v Portuguese Republic (available only in French/Portuguese)
36	<a href="#">Case C-33/05</a> , Judgment of the Court (Sixth Chamber) of 15 December 2005, Commission of the European Communities v Kingdom of Belgium (available only in French)
37	<a href="#">Case C-67/05</a> , Judgment of the Court (Sixth Chamber) of 15 December 2005, Commission of the European Communities v Federal Republic of Germany (available only in French/German)
38	<a href="#">Case C-239/03</a> , Judgment of the Court (Second Chamber) of 7 October 2004, Commission of the European Communities v French Republic
39	<a href="#">Case C-213/03</a> , Judgement of the Court (Second Chamber) of 15 July 2004,

	Syndicat professionnel coordination des pêcheurs de l'étang de Berre et de la region v Électricité de France (EDF)
40	<a href="#">Case C-181/73</a> , Judgement of the Court of 30 April 1974, La societe de personnes à responsabilité limitée R. & V. Haegeman, Brussels v the Belgian State, in the person of the Minister of Economic Affairs, Brussels ( <b>Haegemann</b> )
41	<b>Useful documents on Water: policy documents, reports, fact sheets</b>
42	<a href="#">COM(2016) 710 final</a> – Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Commission Work Programme 2017, Delivering a Europe that protects, empowers and defends, 25 October 2016
43	<a href="#">FINAL REPORT</a> “EU-level instruments on water reuse” to support the Commission’s Impact Assessment, prepared by the Amec Foster Wheeler Environment & Infrastructure UK Ltd, IEEP, ACTeon, IMDEA and NTUA, October 2016
44	<a href="#">GUIDELINES</a> on Integrating Water Reuse into Water Planning and Management in the context of the WFD, Common Implementation Strategy for the Water Framework Directive and the Floods Directive, June 2016
45	<a href="#">Guidance Document</a> on the application of water balances for supporting the implementation of the WFD (final), European Commission, 18 May 2015
46	<a href="#">COM(2014) 177 final</a> – Communication from the Commission on the European Citizens' Initiative "Water and sanitation are a human right! Water is a public good, not a commodity!", 19 March 2014
47	<a href="#">FINAL REPORT</a> - Resource and Economic Efficiency of Water Distribution Networks in the EU, European Commission, October 2013
49	<a href="#">TOPIC REPORT</a> - Assessment of Water Scarcity and Drought aspects in a selection of European Union River Basin Management Plans, European Commission, prepared by Guido Schmidt & Carlos Benítez-Sanz, with contributions from the WFD CIS Expert Group on Water Scarcity & Drought, November 2012
50	<a href="#">COM(2012) 673 final</a> – Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A Blueprint to Safeguard Europe's Water Resources, 14 November 2012
51	<a href="#">REPORT</a> - A multi-criteria optimisation of scenarios for the protection of water resources in Europe: Support to the EU Blueprint to Safeguard Europe's Waters, European Commission, JRC Scientific and Policy Reports, 2012

52	<u>FINAL REPORT</u> - Climate Adaptation: modelling water scenarios and sectoral impacts and <u>Annexes</u> (prepared by the Centre for Environmental Systems Research), DG Environment, European Commission, October 2011
53	<u>Guidance Document</u> on Exemptions on the Environmental Objectives, Common Implementation Strategy for the Water Framework Directive, European Commission, 2009
54	<u>IPCC Technical Paper IV</u> , Climate Change and Water, UNEP, June 2008

### Trainer profile

The trainer/facilitator in this session should be, where possible, an expert from DG Environment, European Commission, an academic with practical experience of the application and implementation of EU water legislation or an official from a relevant national public authority who is familiar with the implementation of it.

## Unit 3: EU Water Framework Directive

### Short description of the contents and general objectives

The aim of this presentation is to introduce participants to the central pillar of EU water law, the Water Framework Directive (WFD), and the jurisprudence of the Court of Justice on this instrument. During this presentation the genesis and the historical development of the WFD as well as its main objectives and key features should be explained. Special focus will be put on the prohibition of deterioration.

### Specific learning points

- Genesis and historical development
- General Overview of the WFD
- Water Standards (Quantity, Quality [Ecological, Chemical])
- Water Standard Objective – Good Status by 2015 (or later)
- Water bodies (Surface and Groundwater)
- Prohibition of Deterioration of Water Bodies
  - Applicability in time
  - Nature of the Prohibition
  - Meaning of Deterioration
  - Standard for the finding of a Deterioration
  - Exemption to the Prohibition for New Modification (Article 4.7)
  - Assessment of Deterioration and Exemption
  - Margin of Discretion/Minimum Standard of Judicial Review
- Water Pricing
- River Basin Management
- Exemptions to the Objectives
- Most important provisions of the WFD:
  - Article 2 Definitions
  - Article 4 Objectives, Prohibition of Deterioration, Exemptions
  - Article 8 Water Pricing

### Methodology

As the focus of this unit lies in the provision of information and a number of different provisions of the WFD as well as case law need to be covered, the best option would be to organise it as face-to-face frontal training.

The scope of this unit is rather large and a great deal of information that is required for effectively comprehending the rest of the programme needs to be provided. For this reason it is essential that this unit is effectively structured. Participants should in particular acquire the knowledge and skills to deal with the prohibition of deterioration while aspects related to management plans are probably less relevant. It

is essential that the trainer ensures that there is sufficient time for participants to raise questions or discuss any unclear points.

### Time frame

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

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

01	PowerPoint Presentation 'EU Water Framework Directive'
02	<a href="#">Directive 2000/60/EC</a> of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ( <b>Water Framework Directive</b> )

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

03	<a href="#">Directive 2013/39/EU</a> of the European Parliament and of the Council of 12 August 2013 amending <a href="#">Directives 2000/60/EC</a> and <a href="#">2008/105/EC</a> as regards priority substances in the field of water policy ( <b>EQS/ Priority Substances</b> )
04	<a href="#">Directive 2011/92/EU</a> 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 ( <b>Environmental Impact Assessment</b> )
05	<a href="#">Directive 2008/56/EC</a> of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy ( <b>Marine Strategy Framework Directive</b> )
06	<a href="#">Directive 2007/60/EC</a> of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks ( <b>Floods Directive</b> )
07	<a href="#">Directive 2006/118/EC</a> of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration ( <b>Groundwater Directive</b> )
08	<a href="#">Directive 2001/42/EC</a> 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 ( <b>SEA Directive</b> )
09	<a href="#">Council Directive 92/43/EEC</a> of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ( <b>Habitats Directive</b> )

10	<a href="#">Directive 2010/75/EU</a> of the European Parliament and of the Council of 24 November 2010 on industrial emissions ( <b>Integrated Pollution Prevention and Control (IPPC)</b> )
11	<a href="#">Directive 2006/7/EC</a> of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC ( <b>Bathing Water Directive</b> )
12	<a href="#">Council Directive 91/676/EEC</a> of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ( <b>Nitrates Directive</b> )
13	<a href="#">Council Directive 91/271/EEC</a> of 21 May 1991 concerning urban waste water treatment ( <b>Urban Waste Water Treatment Directive</b> )
	<b>Case law on water law</b>
14	<a href="#">Case C-529/15</a> , OPINION OF ADVOCATE GENERAL Bobek delivered on 10 January 2017, Gert Folk v Unabhängiger Verwaltungssenat für die Steiermark
15	<a href="#">Case C-686/15</a> , Judgement of the Court (Sixth Chamber) of 7 December 2016, Vodoopskrba i odvodnja d.o.o. v Željka Klafurić
16	<a href="#">Case C-648/13</a> , Judgment of the Court (Sixth Chamber) of 30 June 2016, European Commission v. Republic of Poland
17	<a href="#">Case C-346/14</a> , Judgment of the Court (First Chamber) of 4 May 2016, European Commission v. Republic of Austria ( <b>Schwarze Sulm case</b> )
18	<a href="#">Case C-461/13</a> , Judgment of the Court (Grand Chamber) of 1 July 2015, Bund für Umwelt und Naturschutz Deutschland eV v Bundesrepublik Deutschland, joined party Freie Hansestadt Bremen ( <b>Weser case</b> )
19	<a href="#">Case C-190/14</a> , Judgment of the Court (Eighth Chamber) of 6 November 2014, European Commission v Kingdom of Denmark (available only in French/Danish)
20	<a href="#">Case C-254/14</a> , Order of the Court (Seventh Chamber) of 5 November 2014, VG Vodoopskrba d.o.o. za vodoopskrbu i odvodnju v Đuro Vladika (only available in French/Croatian)
21	<a href="#">Case C-525/12</a> , Judgment of the Court (Second Chamber) of 11 September 2014, European Commission v Federal Republic of Germany ( <b>Concept of water services</b> )
22	<a href="#">Case C-151/12</a> , Judgment of the Court (Fifth Chamber) of 24 October 2013, European Commission v Kingdom of Spain

23	<a href="#">Case C-403/11</a> , Judgment of the Court (Sixth Chamber) of 4 October 2012, European Commission v Kingdom of Spain (available only in French/Spanish)
24	<a href="#">Case C-43/10</a> , Judgment of the Court (Grand Chamber) of 11 September 2012, Nomarchiaki Aftodioikisi Aitolokarnanias and Others v Ypourgos Perivallontos, Chorotaxias kai Dimosion ergon and Others ( <b>Acheloos case</b> )
25	<a href="#">Case C-223/11</a> , Judgment of the Court (Fifth Chamber) of 21 June 2012, European Commission v Portuguese Republic (available only in French/Portuguese)
26	<a href="#">Case C-366/11</a> , Judgment of the Court (Fifth Chamber) of 24 May 2012, European Commission v Kingdom of Belgium (available only in French)
27	<a href="#">Case C-297/11</a> , Judgment of the Court (Sixth Chamber) of 19 April 2012, European Commission v Hellenic Republic (available only in French/Greek)
28	<a href="#">Case C-351/09</a> , Judgment of the Court (First Chamber) of 22 December 2010, European Commission v Republic of Malta
29	<a href="#">Case C-516/07</a> , Judgment of the Court (Seventh Chamber) of 7 May 2009, Commission of the European Communities v Kingdom of Spain (available only in French/Spanish)
30	<a href="#">Case C-264/07</a> , Judgment of the Court (Seventh Chamber) of 31 January 2008, Commission of the European Communities v Hellenic Republic (available only in French/Greek)
31	<a href="#">Case C-85/07</a> , Judgment of the Court (Eighth Chamber) of 18 December 2007, Commission of the European Communities v Italian Republic (available only in French/Italian)
32	<a href="#">Case C-32/05</a> , Judgment of the Court (Third Chamber) of 30 November 2006, Commission of the European Communities v Grand Duchy of Luxembourg
32	<a href="#">Case C-118/05</a> , Judgment of the Court (Sixth Chamber) of 12 January 2006, Commission of the European Communities v Portuguese Republic (available only in French/Portuguese)
33	<a href="#">Case C-33/05</a> , Judgment of the Court (Sixth Chamber) of 15 December 2005, Commission of the European Communities v Kingdom of Belgium (available only in French)
34	<a href="#">Case C-67/05</a> , Judgment of the Court (Sixth Chamber) of 15 December 2005, Commission of the European Communities v Federal Republic of Germany (available only in French/German)
35	<a href="#">Case C-239/03</a> , Judgment of the Court (Second Chamber) of 7 October 2004,

	Commission of the European Communities v French Republic
36	<a href="#">Case C-213/03</a> , Judgement of the Court (Second Chamber) of 15 July 2004, Syndicat professionnel coordination des pêcheurs de l'étang de Berre et de la region v Électricité de France (EDF)
37	<a href="#">Case C-181/73</a> , Judgement of the Court of 30 April 1974, La societe de personnes à responsabilité limitée R. & V. Haegeman, Brussels v the Belgian State, in the person of the Minister of Economic Affairs, Brussels ( <b>Haegemann</b> )
	<b>Implementation of the Water Framework Directive</b>
38	<a href="#">COM(2015) 120 final</a> Communication from the Commission to the European Parliament and the Council - the Water Framework Directive and the Floods Directive: Actions towards the 'good status' of EU water and to reduce flood risks, 9 March 2015
39	<a href="#">COM(2012) 670 final</a> Report from the Commission to the European Parliament and the Council on the Implementation of the Water Framework <a href="#">Directive 2000/60/EC</a> River Basin Management Plans, 14 November 2012
40	<a href="#">COM(2009) 156 final</a> Report from the Commission to the European Parliament and the Council in accordance with Article 18.3 of the <a href="#">Water Framework Directive 2000/60/EC</a> on programmes for monitoring of water status, 1 April 2009
41	<a href="#">COM(2007) 128 final</a> Communication from the Commission to the European Parliament and the Council - Towards sustainable water management in the European Union - First stage in the implementation of the <a href="#">Water Framework Directive 2000/60/EC</a> , 22 March 2007

### Trainer's profile

The trainer implementing this unit should be an expert with a good background in the Water Framework Directive. Ideally the trainer would be an academic or a legal practitioner.

## Unit 4: Case Study on EU Water Framework Directive

### Short description of contents and general objectives

During this unit a case study on water framework raising various issues on water standards, water bodies, water pricing as well as river basin management should be presented. Participants will be able to deepen their knowledge regarding the implementation of the EU Water Framework Directive and the related EU legislation in a practical manner and also to further their grasp of the knowledge gained with regard to the challenges faced by Member States. These case studies should also enable judges and prosecutors to facilitate discussion on how they would solve the problems presented and share their practice in different jurisdictions they represent. The case studies prepared for this unit may also be inspired by real CJEU case-law.

### Specific learning points

- Water Standards (Quantity, Quality [Ecological, Chemical])
- Water Standard Objective – Good Status by 2015 (or later)
- Water Bodies (Surface and Groundwater)
- Margin of Discretion / Minimum Standard of Judicial Review
- Water Pricing
- River Basin Management

### Methodology

The two case-studies 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 persons, 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.

### Time frame

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	Task description of the two case studies on EU Water Framework Directive
02	Suggested reasoning for the two case studies on EU Water Framework Directive (only to be distributed after the working groups discussions)
03	<a href="#">Directive 2000/60/EC</a> of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ( <b>Water Framework Directive</b> )

### Trainer's profile

As for Unit 3, the trainer presenting the case studies on the Water Framework Directive shall be an expert on implementation and enforcement of EU legislation on water. Ideally, the expert shall have in-house experience on enforcement of the rules and requirements of the above-defined legislation. The trainer should be available during the group discussion to assist participants if necessary for further clarifications 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 5: Urban Waste Water Treatment Directive

### Short description of content and general objectives

The aim of this presentation is to introduce the participants to the specific EU legislation dealing with collection, processing, monitoring and discharge of urban waste water, waste water emerging from specific industrial activities and industrial waste water entering the urban waste water collecting systems, with primary objective to prevent and/or limit eutrophication. Because of the specific and rather technical nature of the Directive, the historical and ecological background is explained. Besides the basic legal features of the Directive, the presentation also deals with its relation to other parts of EU water legislation, its implementation, especially through practice of the CJEU, and the achieved degree of compliance in the Member States.

### Specific learning points

- Historical, environmental and legal context of the Directive
- Basic understanding of technical/scientific terms used in the directive
- Overview of obligations for MSs
- Important decisions of the CJEU clarifying the above obligations
- Common problems in implementation
- Regular reports of the Commission as a source of relevant data

### Methodology

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

### Time frame

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

### Documentation

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

01	PowerPoint Presentation 'Urban Waste Water Treatment Directive'
----	---

02	<a href="#">Council Directive 91/271/EEC</a> of 21 May 1991 concerning urban waste water treatment ( <b>Urban Waste Water Treatment Directive</b> )
----	---

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

03	<a href="#">Directive 2006/7/EC</a> of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing <a href="#">Directive 76/160/EEC</a> (Bathing Water Directive)
04	<a href="#">COMMISSION IMPLEMENTATION DECISION 2014/431/EU</a> of 26 June 2014 concerning formats for reporting on the national programmes for the implementation of <a href="#">Council Directive 91/271/EEC</a>
05	<a href="#">Council Directive 2013/64/EU</a> of 17 December 2013 amending Council <a href="#">Directives 91/271/EEC</a> and <a href="#">1999/74/EC</a> , and Directives <a href="#">2000/60/EC</a> , <a href="#">2006/7/EC</a> , <a href="#">2006/25/EC</a> and <a href="#">2011/24/EU</a> of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union
06	<a href="#">Directive 2008/98/EC</a> of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (Waste Framework Directive)
	<b>Implementation Report on Urban Waste Water Treatment Directive</b>
07	<a href="#">COM(2016) 105 final</a> Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Eighth Report on the Implementation Status and the Programmes for Implementation (as required by Article 17) of Council Directive 91/271/EEC concerning urban waste water treatment, 4 March 2016
08	<a href="#">Commission Staff Working Document SWD/2016/045 final</a> accompanying the document "Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Eighth Report on the Implementation Status and the Programmes for Implementation (as required by Article 17) of Council Directive 91/271/EEC concerning urban waste water treatment", 4 March 2016
09	<a href="#">Technical Assessment</a> of the implementation of Council Directive concerning Urban Waste Water Treatment (91/271/EEC), <a href="#">Annex V</a> , <a href="#">Annex VI</a> , <a href="#">Annex VII</a> , prepared by the Environment Agency Austria, March 2015
	<b>Case Law on Urban Waste Water Treatment Directive</b>
10	<a href="#">Case C-314/15</a> , Judgement of the Court (Sixth Chamber) of 23 November 2016, European Commission v French Republic (available only in French)
11	<a href="#">Case C-557/14</a> , Judgment of the Court (Third Chamber) of 22 June 2016,

	European Commission v Portuguese Republic
12	<a href="#">Case C-38/15</a> , Judgment of the Court (Sixth Chamber) of 10 March 2016, European Commission v Kingdom of Spain (available only in French/Spanish)
13	<a href="#">Case C-398/14</a> , Judgment of the Court (Second Chamber) of 28 January 2016, European Commission v Portuguese Republic
14	<a href="#">Case C-167/14</a> , Judgment of the Court (Fourth Chamber) of 15 October 2015, European Commission v Hellenic Republic (available only in French/Greek)
15	<a href="#">Case C-395/13</a> , Judgment of the Court (Fifth Chamber) of 6 November 2014, European Commission v Kingdom of Belgium
16	<a href="#">Case C-85/13</a> , Judgment of the Court (Tenth Chamber) of 10 April 2014, European Commission v Italian Republic (available only in French/Italian)
17	<a href="#">Case C-576/11</a> , Judgment of the Court (First Chamber) of 28 November 2013, European Commission v Grand Duchy of Luxembourg
18	<a href="#">Case C-23/13</a> , Judgment of the Court (Sixth Chamber) of 7 November 2013, European Commission v French Republic (available only in French)
19	<a href="#">Case C-533/11</a> , Judgment of the Court (Fifth Chamber) of 17 October 2013, European Commission v Kingdom of Belgium
20	<a href="#">Case C-517/11</a> , Judgment of the Court (Fourth Chamber) of 7 February 2013, European Commission v Hellenic Republic (available only in French/Greek)
21	<a href="#">Case C-301/10</a> , Judgment of the Court (First Chamber) of 18 October 2012, European Commission v United Kingdom of Great Britain and Northern Ireland
22	<a href="#">Case C-565/10</a> , Judgment of the Court (Seventh Chamber) of 19 July 2012, European Commission v Italian Republic (available only in French/Italian)
23	<a href="#">Case C-220/10</a> , Judgment of the Court (Eighth Chamber) of 8 September 2011, European Commission v Portuguese Republic (available only in French/Portuguese)
24	<a href="#">Case C-343/10</a> , Judgment of the Court (Eighth Chamber) of 14 April 2011, European Commission v Kingdom of Spain (available only in French/Spanish)
25	<a href="#">Case C-526/09</a> , Judgment of the Court (Sixth Chamber) of 2 December 2010, European Commission v Portuguese Republic (available only in French/Portuguese)
26	<a href="#">Case C-390/07</a> , Judgment of the Court (Third Chamber) of 10 December 2009,

	European Commission v United Kingdom of Great Britain and Northern Ireland
27	<a href="#">Case C-335/07</a> , Judgment of the Court (Third Chamber) of 6 October 2009, Commission of the European Communities v Republic of Finland
28	<a href="#">Case C-438/07</a> , Judgment of the Court (Third Chamber) of 6 October 2009, Commission of the European Communities v Kingdom of Sweden
29	<a href="#">Case C-530/07</a> , Judgment of the Court (Fifth Chamber) of 7 May 2009, Commission of the European Communities v Portuguese Republic (available only in French/Portuguese)
30	<a href="#">Case C-316/06</a> , Judgment of the Court (Fifth Chamber) of 11 September 2008, Commission of the European Communities v Ireland
31	<a href="#">Case C-233/07</a> , Judgment of the Court (Seventh Chamber) of 8 May 2008, Commission of the European Communities v Portuguese Republic (available only in French/Portuguese)
32	<a href="#">Case C-440/06</a> , Judgment of the Court (Fifth Chamber) of 25 October 2007, Commission of the European Communities v Hellenic Republic (available only in French/Greek)
33	<a href="#">Case C-252/05</a> , Judgment of the Court (Second Chamber) of 10 May 2007, Queen's Bench Division (Administrative Court) - United Kingdom) The Queen on the application of Thames Water Utilities Ltd v South East London Division, Bromley Magistrates' Court (District Judge Carr) (Thames Water utilities)
34	<a href="#">Case C-219/05</a> , Judgment of the Court (Fifth Chamber) of 19 April 2007, Commission of the European Communities v Kingdom of Spain (available only in French/Spanish)
35	<a href="#">Case C-405/05</a> , Judgment of the Court (Fifth Chamber) of 25 January 2007, Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland
36	<a href="#">Case C-293/05</a> , Judgment of the Court (Sixth Chamber) of 30 November 2006, Commission of the European Communities v Italian Republic (available only in French/Italian)
37	<a href="#">Case C-416/02</a> , Judgment of the Court (Third Chamber) of 8 September 2005, Commission of the European Communities v Kingdom of Spain
38	<a href="#">Case C-280/02</a> , Judgment of the Court (Second Chamber) of 23 September 2004, Commission of the European Communities v French Republic
39	<a href="#">Case C-419/01</a> , Judgment of the Court (Sixth Chamber) of 15 May 2003,

	Commission of the European Communities v Kingdom of Spain
40	<a href="#">Case C-396/00</a> , Judgment of the Court (Sixth Chamber) of 25 April 2002, Commission of the European Communities v Italian Republic
41	<a href="#">Case C-236/99</a> , Judgment of the Court (Sixth Chamber) of 6 July 2000, Commission of the European Communities v Kingdom of Belgium
42	<a href="#">Case C-297/95</a> , Judgment of the Court (Fifth Chamber) of 12 December 1996, Commission of the European Communities v Federal Republic of Germany
43	<a href="#">Case C-161/95</a> , Judgment of the Court (Fifth Chamber) of 28 March 1996, Commission of the European Communities v Hellenic Republic
	<b>Case Law on the Bathing Water Directive</b>
44	<a href="#">Case C-481/09</a> , Judgment of the Court (Fifth Chamber) of 30 September 2010, European Commission v Czech Republic (available only in French/Czech)
	<b>Useful documents on Urban Waste Water Treatment and Bathing Water Quality</b>
45	<a href="#">EEA REPORT No 9/2016</a> on European Bathing Water Quality in 2015, EEA Report, September 2016
46	<a href="#">FINAL REPORT</a> Compliance Costs of the Urban Waste Water Treatment Directive, European Commission, DG Environment, September 2010
47	<a href="#">Guidance Document</a> Terms and Definitions of the Urban Waste Water Treatment Directive 91/271/EEC, European Commission, January 2007

### Trainer's profile

The trainer/facilitator presenting the legal framework end-of-life products shall be an all-round expert and fully familiar with the various policies as well as legal documents in implementation of the three directives concerned. A possible trainer may be a civil officer from an EU or relevant national or regional authority, a practicing lawyer, or an academic with practical experience in water management policy.

## Unit 6: Case study on the Urban Waste Water Treatment Directive

### Short description of content and general objectives

The aim of this session is to give the audience an opportunity to explore possible legal questions stemming from the directive in national court procedures. Therefore, two imaginary/hypothetical cases are described, covering the basic concepts of urban waste water, agglomeration, sensitive areas, individual and other appropriate systems, relation to water quality stipulated by other directives etc. The participants' solutions of the cases are presented as part of the session.

### Specific learning points

- Debate/practical application/analysis of the information covered in the previous session
- Practical implications of the Directive's legal concepts
- Interaction of the directive with other EU water legislation
- Possible relations with national procedural rules and/or other legislation
- Exchange of possible personal experience

### Methodology

The three case-studies will be distributed to the participants in the user's pack at the beginning of the workshop. The trainer will then explain the factual background of the cases, explain the judgments taken by the CJEU on each of the Directives and the questions to be discussed on the simulated facts.

After the short introduction, participants will be divided into working groups of 6-8 persons each. The groups should each appoint a moderator and a rapporteur. The groups will discuss the cases on the basis of the applicable material (especially the CJEU judgments identified) presented and discussed during the presentation.

After the group discussion, participants will reconvene in a plenary session. 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. It has to be noted that as a rule only one of the cases can be accommodated in a session of reasonable duration.

In an international environment, the Directive itself can be used as an approximation of the national law, as in many cases national implementations do not differ very much from it anyway. In a national environment, the cases will obviously have to be adapted to reflect possible specifics of the relevant national law.

### Time frame

The introduction to the case studies should take 15 minutes, following which participants will split into groups. The discussion on the cases should take 45 minutes, the ensuing discussion in the plenary including the debriefing should take another 30 minutes.

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

### Documentation

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

01	Task description of the case study on the Urban Waste Water Treatment Directive
02	Suggested reasoning of the case study on the Urban Waste Water Treatment Directive
03	<a href="#">Council Directive 91/271/EEC</a> of 21 May 1991 concerning urban waste water treatment ( <b>Urban Waste Water Treatment Directive</b> )

### Trainer's profile

As for Unit 5, the trainer/facilitator presenting the legal framework of the urban waste water treatment shall be an all-round expert and fully familiar with the various policies as well as legal documents in implementation of the Urban Waste Water Treatment Directive. A possible trainer may be a civil officer from an EU or relevant national or regional authority, a practicing lawyer, or an academic with practical experience in water management policy.

## Unit 7: Nitrates Directive

### Short description of content and general objectives

The aim of this part of the course is to introduce the participants to the Nitrates Directive and to the CJEU landmark cases concerning this Directive in order to understand the controversial provisions. The presentation starts with the environmental impact of agricultural pollution, then provides an overview of the provisions of the Directive and finally analyses the various conflicts that arose over the years and how various landmark cases affected the implementation of the Directive. In addition, the relation with other pieces of EU water legislation will be shown, with particular attention to the Drinking Water Directive.

### Specific learning points

- Overview of the provisions of the Nitrates Directive
- Awareness of the potential for conflicts
- Insight into the interpretation of controversial provisions through landmark cases
- Insight into the relation between the Nitrates Directive and other EU water legislation, in particular the Water Framework Directive and the Drinking water Directive

### Methodology

The Nitrates Directive seems a relatively straightforward Directive. However, the case law shows that there are several controversial provisions which continue to be controversial. Therefore, an overview of the Directive needs to be complemented with an overview of landmark cases to gain insight into the interpretation of the Directive by the European Court of Justice. Since the implementation of the Nitrates Directive is closely connected to the implementation of other EU water Directives, in particular the Water Framework Directive and the Drinking water Directive, the relationship between the Nitrates Directive and other EU water Directives is another topic that needs to be covered. This topic is touched upon in the presentation and subsequently elaborated in the case study, which enables participants to also learn from experience.

### 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 "Nitrates Directive"
02	<a href="#">Directive 2000/60/EC</a> of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ( <b>Water Framework Directive</b> )
03	<a href="#">COUNCIL Directive 98/83/EC</a> of 3 November 1998 on the quality of water intended for human consumption ( <b>Drinking Water Directive</b> )
04	<a href="#">Council Directive 91/676/EEC</a> of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ( <b>Nitrates Directive</b> )

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

	<b>Case law on the Nitrates Directive</b>
05	<a href="#">Case E-7/15</a> , Judgement of the EFTA Court of 2 October 2015, EFTA Surveillance Authority v. The Kingdom of Norway
06	<a href="#">Case C-149/14</a> , Judgment of the Court (Ninth Chamber) of 23 April 2015, European Commission v Hellenic Republic (available only in French/Greek)
07	<a href="#">Case C-356/13</a> , Judgment of the Court (Ninth Chamber) of 20 November 2014, European Commission v Republic of Poland (available only in French/Polish)
08	<a href="#">Case C-237/12</a> , Judgment of the Court (Second Chamber) of 4 September 2014, European Commission v French Republic
09	<a href="#">Case C-113/12</a> : Judgment of the Court (Fourth Chamber) of 3 October 2013, Donal Brady v Environmental Protection Agency
10	<a href="#">Case C-193/12</a> , Judgment of the Court (Seventh Chamber) of 13 June 2013, European Commission v French Republic (available only in French)
11	<a href="#">Case C-41/11</a> , judgement of the Court (Grand Chamber) of 28 February 2012, Inter-Environnement Wallonie ASBL, Terre wallonne ASBL v Région wallonne
12	<a href="#">Case C-526/08</a> , Judgment of the Court (Grand Chamber) of 29 June 2010, European Commission v Grand Duchy of Luxembourg
13	<a href="#">Joined Cases C-105/09 and C-110/09</a> , Judgment of the Court (Fourth Chamber) of 17 June 2010, Terre wallonne ASBL (C-105/09), Inter-Environnement

	Wallonie ASBL (C-110/09) v Région wallonne
14	<a href="#">Case C-221/03</a> , Judgement of the Court (Third Chamber) of 22 September 2005, Commission of the European Communities v Kingdom of Belgium
15	<a href="#">Case C-121/03</a> , Judgement of the Court (Third Chamber) of 8 September 2005, Commission of the European Communities v Kingdom of Spain
16	<a href="#">Case C-159/01</a> , Judgement of the Court (Fifth Chamber) of 29 April 2004, Kingdom of the Netherlands v Commission of the European Communities
17	<a href="#">Case C-396/01</a> , Judgement of the Court (Fifth Chamber) of 11 March 2004, Commission of the European Communities v Ireland
18	<a href="#">Case C-322/00</a> , Judgement of the Court (Sixth Chamber) of 2 October 2003, Commission of the European Communities v Kingdom of the Netherlands
19	<a href="#">Case C-258/00</a> , Judgement of the Court (Sixth Chamber) of 27 June 2002, Commission of the European Communities v French Republic
20	<a href="#">Case C-161/00</a> , Judgement of the Court (Sixth Chamber) of 14 March 2002, Commission of the European Communities v Federal Republic of Germany
21	<a href="#">Case C-127/99</a> , Judgement of the Court (Sixth Chamber) of 8 November 2001, Commission of the European Communities v Italian Republic
22	<a href="#">Case C-266/00</a> , Judgement of the Court (Third Chamber) of 8 March 2001, Commission of the European Communities v Grand Duchy of Luxemburg
23	<a href="#">Case C-69/99</a> , Judgement of the Court (Third Chamber) of 7 December 2000, Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland
24	<a href="#">Case C-274/98</a> , Judgement of the Court (Sixth Chamber) of 13 April 2000, Commission of the European Communities v Kingdom of Spain
25	<a href="#">Case C-293/97</a> , Judgement of the Court (Fifth Chamber) of 29 April 1999 (Reference for a preliminary ruling from the High Court of Justice, Queen's Bench Division – United Kingdom), The Queen v Secretary of State for the Environment and Ministry of Agriculture, Fisheries and Food, ex parte H.A. Standley and Others and D.G.D. Metson and Others ( <b>Standley case</b> )
26	<a href="#">Case C-195/97</a> , Judgment of the Court (Sixth Chamber) of 25 February 1999, Commission of the European Communities v Italian Republic
27	<a href="#">Case C-71/97</a> , Judgment of the Court (Sixth Chamber) of 1 October 1998, Commission of the European Communities v Kingdom of Spain

	<b>Case Law on the Drinking Water Directive</b>
28	<u>Case C-458/10</u> , Judgment of the Court (Eighth Chamber) of 9 June 2011, European Commission v Grand Duchy of Luxemburg (available only in French)
29	<u>Case C-147/07</u> , Judgment of the Court (Seventh Chamber) of 31 January 2008, Commission of the European Communities v French Republic (available only in French)
30	<u>Case C-122/02</u> , Judgment of the Court (First Chamber) of 16 January 2003, Commission of the European Communities v Kingdom of Belgium
31	<u>Case C-29/02</u> , Judgment of the Court (First Chamber) of 16 January 2003, Commission of the European Communities v Kingdom of Spain
32	<u>Case C-63/02</u> , Judgment of the Court (First Chamber) of 16 January 2003, Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland
	<b>Useful Documents on the Nitrates Directive</b>
33	<u>FINAL REPORT</u> Resource Efficiency in Practice – Closing Mineral Cycles, <u>Annexes</u> , European Commission, April 2016
34	<u>FINAL REPORT</u> “The impact of the Nitrates Directive on gaseous N emissions”, <u>Annex</u> , prepared by Alterra, Wageningen UR, AEA Technology, ITP, NEIKER, 2010
35	<u>STUDY</u> on variation of manure N efficiency throughout Europe Final Report, <u>Annex I</u> , <u>Annex II</u> , prepared by AEA Technology, 2010
	<b>Useful Documents on the Drinking Water Directive</b>
36	<u>Commission Staff Working Document SWD (2016) 428 final</u> , REFIT Evaluation of the Drinking Water Directive, 1 December 2016
37	<u>Framework for Action</u> for the management of small drinking water supplies, European Commission, 2014
38	<u>FINAL REPORT</u> - Literature review on the potential Climate change effects on drinking water resources across the EU and the identification of priorities among different types of drinking water supplies and <u>Annexes</u> , DG Environment, European Commission, 21 December 2012
39	<u>Guidance Document</u> on Reporting under the Drinking Water Directive 98/83/EC, European Commission, October 2011

40	<u>Guidelines for Drinking water quality</u> by the WHO, 2011
----	---

### **Trainer's profile**

The trainer/facilitator in this session should be, where possible, an expert from DG Environment, European Commission, an academic with practical experience of the application and implementation of EU water legislation or an official from a relevant national public authority who is familiar with the implementation of it.

## Unit 8: Case study on the implementation of the Nitrates Directive

### Short description of content and general objectives

The aim of this session is to give the audience an opportunity to explore possible legal questions stemming from the implementation of the Nitrates Directive. The presented case study deals in particular with the relation between the Nitrates Directive and the Water Framework Directive. The case study discussion shall be in line with the aim of the Nitrates Directive, considering the relevant factual aspects and the relevant legal aspects. The aim is also to ask participants from different EU Member States to comment on the solutions proposed by the trainer and/or present different solutions from the jurisdictions they represent.

The case is meant to facilitate discussion amongst the participants on how they would solve the problems presented. Important to note is that the case is not meant to provide 100% right or wrong answers to the legal questions, problems and dilemmas presented. Its main purpose is to make the participants aware of the legal problems and show the participants possible and impossible routes to react to these questions.

### Specific learning points/ questions raised for the case study

- Insight into the relation between the Nitrates Directive and the Water Framework Directive
- Water Standards (Quantity, Quality [Ecological, Chemical])
- Water bodies (Surface and Groundwater)
- Prohibition of Deterioration of Water Bodies
  - Applicability in time
  - Nature of the Prohibition
  - Meaning of Deterioration
  - Standard for the finding of Deterioration
  - Exemption to the Prohibition for New Modification (Article 4.7)
  - Assessment of Deterioration and Exemption
  - Margin of Discretion/Minimum Standard of Judicial Review

### Methodology

The trainer will present the case task by raising some points on the application of the Nitrates Directive and the Water Framework Directive. After the short introduction, participants will be divided into working groups of 6-8 persons each. The groups should each appoint a moderator and a rapporteur. The groups will discuss the cases on the basis of the applicable material (especially the CJEU judgments identified) presented and discussed during the presentation.

After the group discussion, participants will reconvene in a plenary session. 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.

### Time frame

The introduction of the case study should take 15 minutes; afterwards participants will be split into groups. The discussion on the case will take 45 minutes, the following discussion in the plenary including the debriefing will take another 30 minutes.

### Documentation

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

01	Task description of the case study on the implementation of the Nitrates Directive
02	Suggested reasoning of the case study on the implementation of the Nitrates Directive
03	<a href="#">Council Directive 91/676/EEC</a> of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ( <b>Nitrates Directive</b> )

### Trainer's profile

As for Unit 7, the trainer/facilitator presenting the legal framework of the nitrates and water management policies shall be an all-round expert and fully familiar with the various policies as well as legal documents in implementation of the Nitrates Directive. A possible trainer may be a civil officer from an EU or a relevant national or regional authority, a practicing lawyer, or an academic with practical experience in water management policy.

## Unit 9: Role of a judge when enforcing EU instruments on water legislation

### Short description of content and general objectives

The general objective of this presentation is to raise the awareness of EU Water Law. In this field of law the national judge is no different to an EU judge. With this in mind the slides give an overview of the main features that are important for deciding cases under the WFD. Special focus is put on the interplay between an EU Directive and national law. This is done in a way (questions and answers) that is very easy to understand. The aim is to encourage the national judges to apply the WFD by using legal devices like synoptic reading of national and EU law, consistent interpretation of national law or – last but not least - direct effect of the WFD.

### Specific learning points

- EU Judicial Order
  - toolbox of the national judge
- WFD and the National Judge
  - legal nature of directives
  - the transposition process and its flaws
  - direct effect (vertical / horizontal)
  - deterioration under Article 4 WFD
  - Weser Judgment
  - exemption under Article 4 (7) WFD
  - *Schwarze Sulm* Judgment

### Methodology

This unit should be conducted as a face-to-face frontal presentation in plenary session. Use of a PowerPoint presentation can effectively present the highlights and headings of the material in this unit thus allowing an efficient introduction to it. Emphasis and examples can be added verbally by the trainer on a slide by slide basis.

It is essential that this unit is effectively structured so as to cover all aspects, and give participants a comprehensive overview. In order to achieve this, it is vital that the trainer ensures there is sufficient time for participants to raise questions or discuss any unclear points. The subsequent discussion may be moderated either by the trainer or the training manager/ judicial training advisor of the event.

### Time frame

The duration of this session should be 45-60 minutes (including lecturing time and discussion sessions with the participants).

## Documentation

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

01	PowerPoint Presentation: "Role of a judge when enforcing EU instruments on water legislation"
02	<a href="#">Directive 2000/60/EC</a> of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ( <b>Water Framework Directive</b> )

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

03	<a href="#">Directive 2013/39/EU</a> of the European Parliament and of the Council of 12 August 2013 amending <a href="#">Directives 2000/60/EC</a> and <a href="#">2008/105/EC</a> as regards priority substances in the field of water policy ( <b>EQS/ Priority Substances</b> )
04	<a href="#">Directive 2008/105/EC</a> of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending <a href="#">Directive 2000/60/EC</a> of the European Parliament and of the Council
05	<a href="#">Directive 2006/11/EC</a> of the European Parliament and of the Council of 15 February 2006 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community
	<b>Case law</b>
06	<a href="#">Case C-346/14</a> , Judgment of the Court (First Chamber) of 4 May 2016, European Commission v. Republic of Austria ( <b>Schwarze Sulm case</b> )
07	<a href="#">Case C-461/13</a> , Judgment of the Court (Grand Chamber) of 1 July 2015, Bund für Umwelt und Naturschutz Deutschland eV v Bundesrepublik Deutschland, joined party Freie Hansestadt Bremen ( <b>Weser case</b> )
	<b>Useful Documents</b>
08	<a href="#">COMMUNICATION (2017/C 18/02)</a> from the Commission. EU law: Better results through better application, Brussels, 19 January 2017
09	<a href="#">RECOMMENDATIONS</a> of the Court of Justice of the European Union of 25 November 2016 to national courts and tribunals, in relation to the initiation of preliminary ruling proceedings (2016/C 439/01)

**Trainer's profile**

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

## Unit 10: Case study on the role of a judge

### Short description of the content and general objectives

In this unit a case study will be presented. It is about a preliminary procedure in a scenario where the national water law does not conform to the WFD. What happens if national law is not strict enough and sees a deterioration of the status of a surface water body only if there is a detrimental change of the water class? May the permitting authority or the national court rely on the stricter WFD and argue that the detrimental change of a quality element is already sufficient to establish a deterioration? This raises the problem of reverse direct effect (direct effect against the operator). The participants have to recall their knowledge about the preliminary procedure and try to formulate a question of interpretation to the Court of Justice.

### Specific learning points/ questions raised for the case study

- Deterioration
- Direct effect
- Reverse direct effect
- Preliminary reference

### Methodology

The trainer will introduce the case by raising the main factual features. The case study, which is very practical in nature, is designed to facilitate fresh-thinking to be operationalised in a group setting. The study is also intended to prompt innovative and imaginative thinking by the participants.

After the introductory presentation, participants will be divided into groups of 6-8 persons. The groups will discuss the case on the basis of the EU law and national (procedural) law. After the group discussion, participants will return to the plenary. Each group will have a rapporteur to explain the results of their discussion and the trainer will comment on their findings. Whilst the trainer should facilitate discussion and make suggestions, there is no 'right' or 'complete' answer for the case study.

### 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):**

<b>01</b>	Task description of the case study on the role of a judge
<b>02</b>	PowerPoint Presentation: case study " " reasoning

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

<b>03</b>	<u>Case C-201/02</u> , Judgment of the Court (Fifth Chamber) of 7 January 2004, The Queen on the application of Delena Wells v Secretary of State for Transport, Local Government and the Regions
<b>04</b>	<u>Case C-431/92</u> , Judgement of the Court of 11 August 1995, Commission of the European Communities v Federal Republic of Germany
<b>05</b>	<u>Case C-91/92</u> , Judgement of the Court of 14 July 1994, Paola Faccini Dori v Recreb Srl.

## Trainer's profile

The trainer/facilitator 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. It will be particularly beneficial if the individual has lengthy experience, equipping him or her to describe practical examples and specific cases.

## Unit 11: Closing session – evaluation of the workshop

### Short description of content

In the final session of the workshop, conclusions will be drawn and participants will be invited to evaluate the event.

### General objectives

Participants will provide feedback on the whole event, the preliminary information, the workshop documentation, the e-learning module and the usefulness of the workshop for their daily work.

### Specific learning points

- Summing up the event
- Obtaining feedback
- Using 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):**

<b>01</b>	Evaluation form
-----------	-----------------

### Trainer profile

The closing session will be chaired by the training manager and/or the judicial training advisor of the workshop.

## Objective

This two-and-a-half day workshop will provide the participants with an overview of both the EU legislation and the most recent related CJEU case law on water. By addressing the issues that may be relevant for administrative judges and prosecutors, it will facilitate the handling of future national court proceedings in this field.

## Key elements of the workshop

- European water management
- Water Framework Directive
- New rulings of the CJEU: C-525/12 on the concept of water services, C-461/13 *Weser*, C-346/14 *Schwarze Sulm*, C-41/10 *Acheloos*
- Urban Waste Water Treatment Directive
- Bathing Water Directive
- Nitrates Directive
- Drinking Water Directive

## Who should attend?

Administrative judges and prosecutors from all EU Member States who are interested in environmental law

## Speakers & training managers

### HOW TO HANDLE COURT PROCEEDINGS INVOKING NON-COMPLIANCE WITH EU WATER LAW

WORKSHOP FOR JUDGES AND PROSECUTORS

Venue

Organiser

Language

For further information:

## First day of the workshop

- 09:00 Arrival and registration of participants
- 09:30 **Welcome and introduction**
- I. SETTING THE SCENE**
- 10:00 **European waters and their pollution: a political, scientific and technical introduction**
- 11:00 Coffee break
- 11:30 **EU water law – general framework**
- 12:30 Lunch break
- II. WATER FRAMEWORK DIRECTIVE (WFD)**
- 13:30 **EU Water Framework Directive**
- Basic concepts
  - Article 4 of WFD
  - River basin management plan/ programme of measures
  - Review of permits
  - Exemptions
  - CJEU case law
- 15:00 Coffee break
- 15:30 **Case study on the EU Water Framework Directive**
- 17:00 End of the first workshop day

## Second day of the workshop

- III. URBAN WASTE WATER TREATMENT**
- 09:00 **Urban Waste Water Treatment Directive**
- Main objectives
  - Relationship to Bathing Water Directive
  - CJEU case law
- 10:30 Coffee break
- 11:00 **Case study on the Urban Waste Water Treatment Directive**
- 12:30 Lunch break
- IV. NITRATES DIRECTIVE**
- 13:30 **Nitrates Directive**
- Main objectives
  - Relation to the Water Framework Directive
  - Drinking Water Directive
  - CJEU case law
- 15:00 Coffee break
- 15:30 **Case study on the implementation of the Nitrates Directive**
- 17:00 End of the second workshop day

## Third day of the workshop

- V. ENFORCEMENT AT NATIONAL LEVEL**
- 09:00 **Role of a judge when dealing with files on water**
- 10:30 Coffee break
- 11:00 **Case study on the role of a judge (preliminary ruling)**
- 12:30 **Evaluation of the workshop**
- 13:00 End of the workshop

---

Programme may be subject to amendment.  
For programme updates: [www.era.int](http://www.era.int)

## I. Background Documentation

	<b>EU Documents</b>
01	<u>Treaty on European Union</u> (consolidated version), 7 June 2016, OJ C202/01
02	<u>Treaty on the Functioning of the European Union</u> (consolidated version), 7 June 2016, OJ C202/01
03	Decision No 1386/2013/EU of the European Parliament and of the Council of 20 November 2013 on a General Union Environment Action Programme to 2020 'Living well, within the limits of our planet' ( <u>7<sup>th</sup> Environment Action Programme to 2020</u> )
	<b>I-Water Framework Directive</b>
04	<u>Directive 2000/60/EC</u> of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ( <b>Water Framework Directive</b> )
05	<u>COMMISSION Directive 2014/101/EU</u> of 30 October 2014 amending Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy
06	<u>COMMISSION Directive 2014/80/EU</u> of 20 June 2014 amending Annex II to <u>Directive 2006/118/EC</u> of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration
07	<u>Directive 2013/39/EU</u> of the European Parliament and of the Council of 12 August 2013 amending <u>Directives 2000/60/EC</u> and <u>2008/105/EC</u> as regards priority substances in the field of water policy ( <b>EQS/ Priority Substances</b> )
08	<u>Directive 2011/92/EU</u> 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 ( <b>Environmental Impact Assessment</b> )
09	<u>Directive 2010/75/EU</u> of the European Parliament and of the Council of 24 November 2010 on industrial emissions ( <b>Integrated Pollution Prevention and Control (IPPC)</b> )
10	<u>COMMISSION Directive 2009/90/EC</u> of 31 July 2009 laying down, pursuant to <u>Directive 2000/60/EC</u> of the European Parliament and of

	the Council, technical specifications for chemical analysis and monitoring of water status
11	<u>Directive 2008/105/EC</u> of the European Parliament and of the Council of 16 December 2008 on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending <u>Directive 2000/60/EC</u> of the European Parliament and of the Council
12	<u>Directive 2008/99/EC</u> of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law
13	<u>Directive 2008/56/EC</u> of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy ( <b>Marine Strategy Framework Directive</b> )
14	<u>Directive 2008/32/EC</u> of the European Parliament and of the Council of 11 March 2008 amending <u>Directive 2000/60/EC</u> establishing a framework for Community action in the field of water policy, as regards the implementing powers conferred on the Commission
15	<u>Directive 2007/60/EC</u> of the European Parliament and of the Council of 23 October 2007 on the assessment and management of flood risks ( <b>Floods Directive</b> )
16	<u>Directive 2006/118/EC</u> of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration ( <b>Groundwater Directive</b> )
17	<u>Directive 2006/11/EC</u> of the European Parliament and of the Council of 15 February 2006 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community
18	<u>Directive 2006/7/EC</u> of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing Directive 76/160/EEC ( <b>Bathing Water Directive</b> )
19	<u>Directive 2004/35/CE</u> 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 ( <b>Environmental Liability</b> )

20	<a href="#">Decision 2455/2001/EC</a> of the European Parliament and the Council of 20 November 2001 establishing the list of priority substances in the field of water policy and amending <a href="#">Directive 2000/60/EC</a>
21	<a href="#">Directive 2001/42/EC</a> 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
22	<a href="#">Council Directive 92/43/EEC</a> of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ( <b>Habitats Directive</b> )
	<i>Implementation of the Water Framework Directive</i>
23	<a href="#">COM(2015) 120 final</a> Communication from the Commission to the European Parliament and the Council - the Water Framework Directive and the Floods Directive: Actions towards the 'good status' of EU water and to reduce flood risks, 9 March 2015
24	<a href="#">COM(2012) 670 final</a> Report from the Commission to the European Parliament and the Council on the Implementation of the Water Framework <a href="#">Directive 2000/60/EC</a> River Basin Management Plans, 14 November 2012
25	<a href="#">COM(2009) 156 final</a> Report from the Commission to the European Parliament and the Council in accordance with Article 18.3 of the <a href="#">Water Framework Directive 2000/60/EC</a> on programmes for monitoring of water status, 1 April 2009
26	<a href="#">COM(2007) 128 final</a> Communication from the Commission to the European Parliament and the Council - Towards sustainable water management in the European Union - First stage in the implementation of the <a href="#">Water Framework Directive 2000/60/EC</a> , 22 March 2007
	<i>Case Law on the Water Framework Directive</i>
27	<a href="#">Case C-529/15</a> , OPINION OF ADVOCATE GENERAL Bobek delivered on 10 January 2017, Gert Folk v Unabhängiger Verwaltungssenat für die Steiermark
28	<a href="#">Case C-686/15</a> , Judgement of the Court (Sixth Chamber) of 7 December 2016, Vodoopskrba i odvodnja d.o.o. v Željka Klafurić
29	<a href="#">Case C-648/13</a> , Judgment of the Court (Sixth Chamber) of 30 June 2016, European Commission v. Republic of Poland

30	<u>Case C-346/14</u> , Judgment of the Court (First Chamber) of 4 May 2016, European Commission v. Republic of Austria ( <b>Schwarze Sulm case</b> )
31	<u>Case C-461/13</u> , Judgment of the Court (Grand Chamber) of 1 July 2015, Bund für Umwelt und Naturschutz Deutschland eV v Bundesrepublik Deutschland, joined party Freie Hansestadt Bremen ( <b>Weser case</b> )
32	<u>Case C-190/14</u> , Judgment of the Court (Eighth Chamber) of 6 November 2014, European Commission v Kingdom of Denmark (available only in French/Danish)
33	<u>Case C-254/14</u> , Order of the Court (Seventh Chamber) of 5 November 2014, VG Vodoopskrba d.o.o. za vodoopskrbu i odvodnju v Đuro Vladika (only available in French/Croatian)
34	<u>Case C-525/12</u> , Judgment of the Court (Second Chamber) of 11 September 2014, European Commission v Federal Republic of Germany ( <b>Concept of water services</b> )
35	<u>Case C-151/12</u> , Judgment of the Court (Fifth Chamber) of 24 October 2013, European Commission v Kingdom of Spain
36	<u>Case C-403/11</u> , Judgment of the Court (Sixth Chamber) of 4 October 2012, European Commission v Kingdom of Spain (available only in French/Spanish)
37	<u>Case C-43/10</u> , Judgment of the Court (Grand Chamber) of 11 September 2012, Nomarchiaki Aftodioikisi Aitoloakarnanias and Others v Ypourgos Perivallontos, Chorotaxias kai Dimosion ergon and Others ( <b>Acheloos case</b> )
38	<u>Case C-223/11</u> , Judgment of the Court (Fifth Chamber) of 21 June 2012, European Commission v Portuguese Republic (available only in French/Portuguese)
39	<u>Case C-366/11</u> , Judgment of the Court (Fifth Chamber) of 24 May 2012, European Commission v Kingdom of Belgium (available only in French)
40	<u>Case C-297/11</u> , Judgment of the Court (Sixth Chamber) of 19 April 2012, European Commission v Hellenic Republic (available only in French/Greek)
41	<u>Case C-351/09</u> , Judgment of the Court (First Chamber) of 22 December 2010, European Commission v Republic of Malta
42	<u>Case C-516/07</u> , Judgment of the Court (Seventh Chamber) of 7 May 2009, Commission of the European Communities v Kingdom of Spain (available only in French/Spanish)

43	<a href="#">Case C-264/07</a> , Judgment of the Court (Seventh Chamber) of 31 January 2008, Commission of the European Communities v Hellenic Republic (available only in French/Greek)
44	<a href="#">Case C-85/07</a> , Judgment of the Court (Eighth Chamber) of 18 December 2007, Commission of the European Communities v Italian Republic (available only in French/Italian)
45	<a href="#">Case C-32/05</a> , Judgment of the Court (Third Chamber) of 30 November 2006, Commission of the European Communities v Grand Duchy of Luxembourg
46	<a href="#">Case C-118/05</a> , Judgment of the Court (Sixth Chamber) of 12 January 2006, Commission of the European Communities v Portuguese Republic (available only in French/Portuguese)
47	<a href="#">Case C-33/05</a> , Judgment of the Court (Sixth Chamber) of 15 December 2005, Commission of the European Communities v Kingdom of Belgium (available only in French)
48	<a href="#">Case C-67/05</a> , Judgment of the Court (Sixth Chamber) of 15 December 2005, Commission of the European Communities v Federal Republic of Germany (available only in French/German)
49	<a href="#">Case C-239/03</a> , Judgment of the Court (Second Chamber) of 7 October 2004, Commission of the European Communities v French Republic
50	<a href="#">Case C-213/03</a> , Judgement of the Court (Second Chamber) of 15 July 2004, Syndicat professionnel coordination des pêcheurs de l'étang de Berre et de la region v Électricité de France (EDF)
51	<a href="#">Case C-181/73</a> , Judgement of the Court of 30 April 1974, La societe de personnes à responsabilité limitée R. & V. Haegeman, Brussels v the Belgian State, in the person of the Minister of Economic Affairs, Brussels ( <b>Haegemann</b> )
	<i>Useful documents on Water: policy documents, reports, fact sheets</i>
52	<a href="#">COM(2016) 710 final</a> – Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Commission Work Programme 2017, Delivering a Europe that protects, empowers and defends, 25 October 2016
53	<a href="#">FINAL REPORT</a> “EU-level instruments on water reuse” to support the Commission’s Impact Assessment, prepared by the Amec Foster

	Wheeler Environment & Infrastructure UK Ltd, IEEP, ACTeon, IMDEA and NTUA, October 2016
54	<u>GUIDELINES</u> on Integrating Water Reuse into Water Planning and Management in the context of the WFD, Common Implementation Strategy for the Water Framework Directive and the Floods Directive, June 2016
55	<u>Guidance Document</u> on the application of water balances for supporting the implementation of the WFD (final), European Commission, 18 May 2015
56	<u>COM(2014) 177 final</u> – Communication from the Commission on the European Citizens' Initiative "Water and sanitation are a human right! Water is a public good, not a commodity!", 19 March 2014
57	<u>FINAL REPORT</u> - Resource and Economic Efficiency of Water Distribution Networks in the EU, European Commission, October 2013
58	<u>TOPIC REPORT</u> - Assessment of Water Scarcity and Drought aspects in a selection of European Union River Basin Management Plans, European Commission, prepared by Guido Schmidt & Carlos Benítez-Sanz, with contributions from the WFD CIS Expert Group on Water Scarcity & Drought, November 2012
59	<u>COM(2012) 673 final</u> – Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. A Blueprint to Safeguard Europe's Water Resources, 14 November 2012
60	<u>REPORT</u> - A multi-criteria optimisation of scenarios for the protection of water resources in Europe: Support to the EU Blueprint to Safeguard Europe's Waters, European Commission, JRC Scientific and Policy Reports, 2012
61	<u>FINAL REPORT</u> - Climate Adaptation: modelling water scenarios and sectoral impacts and <u>Annexes</u> (prepared by the Centre for Environmental Systems Research), DG Environment, European Commission, October 2011
62	<u>Guidance Document</u> on Exemptions on the Environmental Objectives, Common Implementation Strategy for the Water Framework Directive, European Commission, 2009
63	<u>IPCC Technical Paper IV</u> , Climate Change and Water, UNEP, June 2008
	<b>II-Urban Waste Water Treatment</b>

64	<u>Council Directive 91/271/EEC</u> of 21 May 1991 concerning urban waste water treatment ( <b>Urban Waste Water Treatment Directive</b> )
65	<u>Directive 2006/7/EC</u> of the European Parliament and of the Council of 15 February 2006 concerning the management of bathing water quality and repealing <u>Directive 76/160/EEC</u> ( <b>Bathing Water Directive</b> )
66	<u>COMMISSION IMPLEMENTATION DECISION 2014/431/EU</u> of 26 June 2014 concerning formats for reporting on the national programmes for the implementation of <u>Council Directive 91/271/EEC</u>
67	<u>Council Directive 2013/64/EU</u> of 17 December 2013 amending Council Directives 91/271/EEC and 1999/74/EC, and Directives 2000/60/EC, 2006/7/EC, 2006/25/EC and 2011/24/EU of the European Parliament and of the Council, following the amendment of the status of Mayotte with regard to the European Union
68	<u>Directive 2008/98/EC</u> of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives ( <b>Waste Framework Directive</b> )
	<i>Implementation Report on Urban Waste Water Treatment Directive</i>
69	<u>COM(2016) 105 final</u> Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Eighth Report on the Implementation Status and the Programmes for Implementation (as required by Article 17) of Council Directive 91/271/EEC concerning urban waste water treatment, 4 March 2016
70	<u>Commission Staff Working Document SWD/2016/045 final</u> accompanying the document "Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Eighth Report on the Implementation Status and the Programmes for Implementation (as required by Article 17) of Council Directive 91/271/EEC concerning urban waste water treatment", 4 March 2016
71	<u>Technical Assessment</u> of the implementation of Council Directive concerning Urban Waste Water Treatment (91/271/EEC), <u>Annex V</u> , <u>Annex VI</u> , <u>Annex VII</u> , prepared by the Environment Agency Austria, March 2015
	<i>Case Law on Urban Waste Water Treatment Directive</i>

<b>72</b>	<u>Case C-314/15</u> , Judgement of the Court (Sixth Chamber) of 23 November 2016, European Commission v French Republic (available only in French)
<b>73</b>	<u>Case C-557/14</u> , Judgment of the Court (Third Chamber) of 22 June 2016, European Commission v Portuguese Republic
<b>74</b>	<u>Case C-38/15</u> , Judgment of the Court (Sixth Chamber) of 10 March 2016, European Commission v Kingdom of Spain (available only in French/Spanish)
<b>75</b>	<u>Case C-398/14</u> , Judgment of the Court (Second Chamber) of 28 January 2016, European Commission v Portuguese Republic
<b>76</b>	<u>Case C-167/14</u> , Judgment of the Court (Fourth Chamber) of 15 October 2015, European Commission v Hellenic Republic (available only in French/Greek)
<b>77</b>	<u>Case C-395/13</u> , Judgment of the Court (Fifth Chamber) of 6 November 2014, European Commission v Kingdom of Belgium
<b>78</b>	<u>Case C-85/13</u> , Judgment of the Court (Tenth Chamber) of 10 April 2014, European Commission v Italian Republic (available only in French/Italian)
<b>79</b>	<u>Case C-576/11</u> , Judgment of the Court (First Chamber) of 28 November 2013, European Commission v Grand Duchy of Luxembourg
<b>80</b>	<u>Case C-23/13</u> , Judgment of the Court (Sixth Chamber) of 7 November 2013, European Commission v French Republic (available only in French)
<b>81</b>	<u>Case C-533/11</u> , Judgment of the Court (Fifth Chamber) of 17 October 2013, European Commission v Kingdom of Belgium
<b>82</b>	<u>Case C-517/11</u> , Judgment of the Court (Fourth Chamber) of 7 February 2013, European Commission v Hellenic Republic (available only in French/Greek)
<b>83</b>	<u>Case C-301/10</u> , Judgment of the Court (First Chamber) of 18 October 2012, European Commission v United Kingdom of Great Britain and Northern Ireland
<b>84</b>	<u>Case C-565/10</u> , Judgment of the Court (Seventh Chamber) of 19 July 2012, European Commission v Italian Republic (available only in French/Italian)

85	<u>Case C-220/10</u> , Judgment of the Court (Eighth Chamber) of 8 September 2011, European Commission v Portuguese Republic (available only in French/Portuguese)
86	<u>Case C-343/10</u> , Judgment of the Court (Eighth Chamber) of 14 April 2011, European Commission v Kingdom of Spain (available only in French/Spanish)
87	<u>Case C-526/09</u> , Judgment of the Court (Sixth Chamber) of 2 December 2010, European Commission v Portuguese Republic (available only in French/Portuguese)
88	<u>Case C-390/07</u> , Judgment of the Court (Third Chamber) of 10 December 2009, European Commission v United Kingdom of Great Britain and Northern Ireland
89	<u>Case C-335/07</u> , Judgment of the Court (Third Chamber) of 6 October 2009, Commission of the European Communities v Republic of Finland
90	<u>Case C-438/07</u> , Judgment of the Court (Third Chamber) of 6 October 2009, Commission of the European Communities v Kingdom of Sweden
91	<u>Case C-530/07</u> , Judgment of the Court (Fifth Chamber) of 7 May 2009, Commission of the European Communities v Portuguese Republic (available only in French/Portuguese)
92	<u>Case C-316/06</u> , Judgment of the Court (Fifth Chamber) of 11 September 2008, Commission of the European Communities v Ireland
93	<u>Case C-233/07</u> , Judgment of the Court (Seventh Chamber) of 8 May 2008, Commission of the European Communities v Portuguese Republic (available only in French/Portuguese)
94	<u>Case C-440/06</u> , Judgment of the Court (Fifth Chamber) of 25 October 2007, Commission of the European Communities v Hellenic Republic (available only in French/Greek)
95	<u>Case C-252/05</u> , Judgment of the Court (Second Chamber) of 10 May 2007, Queen's Bench Division (Administrative Court) - United Kingdom) The Queen on the application of Thames Water Utilities Ltd v South East London Division, Bromley Magistrates' Court (District Judge Carr) ( <b>Thames Water utilities</b> )
96	<u>Case C-219/05</u> , Judgment of the Court (Fifth Chamber) of 19 April 2007, Commission of the European Communities v Kingdom of Spain (available only in French/Spanish)

97	<u>Case C-405/05</u> , Judgment of the Court (Fifth Chamber) of 25 January 2007, Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland
98	<u>Case C-293/05</u> , Judgment of the Court (Sixth Chamber) of 30 November 2006, Commission of the European Communities v Italian Republic (available only in French/Italian)
99	<u>Case C-416/02</u> , Judgment of the Court (Third Chamber) of 8 September 2005, Commission of the European Communities v Kingdom of Spain
100	<u>Case C-280/02</u> , Judgment of the Court (Second Chamber) of 23 September 2004, Commission of the European Communities v French Republic
101	<u>Case C-419/01</u> , Judgment of the Court (Sixth Chamber) of 15 May 2003, Commission of the European Communities v Kingdom of Spain
102	<u>Case C-396/00</u> , Judgment of the Court (Sixth Chamber) of 25 April 2002, Commission of the European Communities v Italian Republic
103	<u>Case C-236/99</u> , Judgment of the Court (Sixth Chamber) of 6 July 2000, Commission of the European Communities v Kingdom of Belgium
104	<u>Case C-297/95</u> , Judgment of the Court (Fifth Chamber) of 12 December 1996, Commission of the European Communities v Federal Republic of Germany
105	<u>Case C-161/95</u> , Judgment of the Court (Fifth Chamber) of 28 March 1996, Commission of the European Communities v Hellenic Republic
	<b><i>Case Law on the Bathing Water Directive</i></b>
106	<u>Case C-481/09</u> , Judgment of the Court (Fifth Chamber) of 30 September 2010, European Commission v Czech Republic (available only in French/Czech)
	<b><i>Useful documents on Urban Waste Water Treatment and Bathing Water Quality</i></b>
107	<u>EEA REPORT No 9/2016</u> on European Bathing Water Quality in 2015, EEA Report, September 2016
108	<u>FINAL REPORT</u> Compliance Costs of the Urban Waste Water Treatment Directive, European Commission, DG Environment, September 2010

109	<a href="#">Guidance Document</a> Terms and Definitions of the Urban Waste Water Treatment Directive 91/271/EEC, European Commission, January 2007
	<b>III-Nitrates Directive</b>
	<i>Nitrates Directive</i>
110	<a href="#">Council Directive 91/676/EEC</a> of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ( <b>Nitrates Directive</b> )
111	<a href="#">Directive 2008/98/EC</a> of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives ( <b>Waste Framework Directive</b> )
	<i>Drinking Water Directive</i>
112	<a href="#">COUNCIL Directive 98/83/EC</a> of 3 November 1998 on the quality of water intended for human consumption ( <b>Drinking Water Directive</b> )
113	<a href="#">COMMISSION Directive (EU) 2015/1787</a> of 6 October 2015 amending Annexes II and III to Council Directive 98/83/EC on the quality of water intended for human consumption
114	<a href="#">Council Directive 2013/51/Euratom</a> of 22 October 2013 laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption
	<i>Case Law on the Nitrates Directive</i>
115	<a href="#">Case E-7/15</a> , Judgement of the EFTA Court of 2 October 2015, EFTA Surveillance Authority v. The Kingdom of Norway
116	<a href="#">Case C-149/14</a> , Judgment of the Court (Ninth Chamber) of 23 April 2015, European Commission v Hellenic Republic (available only in French/Greek)
117	<a href="#">Case C-356/13</a> , Judgment of the Court (Ninth Chamber) of 20 November 2014, European Commission v Republic of Poland (available only in French/Polish)
118	<a href="#">Case C-237/12</a> , Judgment of the Court (Second Chamber) of 4 September 2014, European Commission v French Republic
119	<a href="#">Case C-113/12</a> : Judgment of the Court (Fourth Chamber) of 3 October 2013, Donal Brady v Environmental Protection Agency

120	<u>Case C-193/12</u> , Judgment of the Court (Seventh Chamber) of 13 June 2013, European Commission v French Republic (available only in French)
121	<u>Case C-41/11</u> , judgement of the Court (Grand Chamber) of 28 February 2012, Inter-Environnement Wallonie ASBL, Terre wallonne ASBL v Région wallonne
122	<u>Case C-526/08</u> , Judgment of the Court (Grand Chamber) of 29 June 2010, European Commission v Grand Duchy of Luxembourg
123	<u>Joined Cases C-105/09 and C-110/09</u> , Judgment of the Court (Fourth Chamber) of 17 June 2010, Terre wallonne ASBL (C-105/09), Inter-Environnement Wallonie ASBL (C-110/09) v Région wallonne
124	<u>Case C-221/03</u> , Judgement of the Court (Third Chamber) of 22 September 2005, Commission of the European Communities v Kingdom of Belgium
125	<u>Case C-121/03</u> , Judgement of the Court (Third Chamber) of 8 September 2005, Commission of the European Communities v Kingdom of Spain
126	<u>Case C-159/01</u> , Judgement of the Court (Fifth Chamber) of 29 April 2004, Kingdom of the Netherlands v Commission of the European Communities
127	<u>Case C-396/01</u> , Judgement of the Court (Fifth Chamber) of 11 March 2004, Commission of the European Communities v Ireland
128	<u>Case C-322/00</u> , Judgement of the Court (Sixth Chamber) of 2 October 2003, Commission of the European Communities v Kingdom of the Netherlands
129	<u>Case C-258/00</u> , Judgement of the Court (Sixth Chamber) of 27 June 2002, Commission of the European Communities v French Republic
130	<u>Case C-161/00</u> , Judgement of the Court (Sixth Chamber) of 14 March 2002, Commission of the European Communities v Federal Republic of Germany
131	<u>Case C-127/99</u> , Judgement of the Court (Sixth Chamber) of 8 November 2001, Commission of the European Communities v Italian Republic
132	<u>Case C-266/00</u> , Judgement of the Court (Third Chamber) of 8 March 2001, Commission of the European Communities v Grand Duchy of Luxemburg
133	<u>Case C-69/99</u> , Judgement of the Court (Third Chamber) of 7 December 2000, Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland

134	<u>Case C-274/98</u> , Judgement of the Court (Sixth Chamber) of 13 April 2000, Commission of the European Communities v Kingdom of Spain
135	<u>Case C-293/97</u> , Judgement of the Court (Fifth Chamber) of 29 April 1999 (Reference for a preliminary ruling from the High Court of Justice, Queen's Bench Division – United Kingdom), The Queen v Secretary of State for the Environment and Ministry of Agriculture, Fisheries and Food, ex parte H.A. Standley and Others and D.G.D. Metson and Others ( <b>Standley case</b> )
136	<u>Case C-195/97</u> , Judgment of the Court (Sixth Chamber) of 25 February 1999, Commission of the European Communities v Italian Republic
137	<u>Case C-71/97</u> , Judgment of the Court (Sixth Chamber) of 1 October 1998, Commission of the European Communities v Kingdom of Spain
	<b><i>Case Law on the Drinking Water Directive</i></b>
138	<u>Case C-458/10</u> , Judgment of the Court (Eighth Chamber) of 9 June 2011, European Commission v Grand Duchy of Luxemburg (available only in French)
139	<u>Case C-147/07</u> , Judgment of the Court (Seventh Chamber) of 31 January 2008, Commission of the European Communities v French Republic (available only in French)
140	<u>Case C-122/02</u> , Judgment of the Court (First Chamber) of 16 January 2003, Commission of the European Communities v Kingdom of Belgium
141	<u>Case C-29/02</u> , Judgment of the Court (First Chamber) of 16 January 2003, Commission of the European Communities v Kingdom of Spain
142	<u>Case C-63/02</u> , Judgment of the Court (First Chamber) of 16 January 2003, Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland
	<b><i>Useful Documents on the Nitrates Directive</i></b>
143	<u>FINAL REPORT</u> Resource Efficiency in Practice – Closing Mineral Cycles, <u>Annexes</u> , European Commission, April 2016
144	<u>FINAL REPORT</u> "The impact of the Nitrates Directive on gaseous N emissions", <u>Annex</u> , prepared by Alterra, Wageningen UR, AEA Technology, ITP, NEIKER, 2010
145	<u>STUDY</u> on variation of manure N efficiency throughout Europe Final Report, <u>Annex I</u> , <u>Annex II</u> , prepared by AEA Technology, 2010

	<i>Useful Documents on the Drinking Water Directive</i>
146	<u>Commission Staff Working Document SWD (2016) 428 final</u> , REFIT Evaluation of the Drinking Water Directive, 1 December 2016
147	<u>Framework for Action</u> for the management of small drinking water supplies, European Commission, 2014
148	<u>FINAL REPORT</u> - Literature review on the potential Climate change effects on drinking water resources across the EU and the identification of priorities among different types of drinking water supplies and <u>Annexes</u> , DG Environment, European Commission, 21 December 2012
149	<u>Guidance Document</u> on Reporting under the Drinking Water Directive 98/83/EC, European Commission, October 2011
150	<u>Guidelines for Drinking water quality</u> by the WHO, 2011
	<b>IV. WFD and the National Judge</b>
151	<u>Case C-201/02</u> , Judgment of the Court (Fifth Chamber) of 7 January 2004, The Queen on the application of Delena Wells v Secretary of State for Transport, Local Government and the Regions
152	<u>Case C-431/92</u> , Judgement of the Court of 11 August 1995, Commission of the European Communities v Federal Republic of Germany
153	<u>Case C-91/92</u> , Judgement of the Court of 14 July 1994, Paola Faccini Dori v Recreb Srl.
154	<u>COMMUNICATION (2017/C 18/02)</u> from the Commission. EU law: Better results through better application, Brussels, 19 January 2017
155	<u>RECOMMENDATIONS</u> of the Court of Justice of the European Union of 25 November 2016 to national courts and tribunals, in relation to the initiation of preliminary ruling proceedings (2016/C 439/01)
	<b>International Treaties and Conventions</b>
156	<u>United Nations Convention on the Law of the Sea</u> , 10 December 1982