

COOPERATION WITH NATIONAL JUDGES IN THE FIELD OF EU ENVIRONMENTAL LAW



Trainer's Manual

Module on Industrial Emissions Directive



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I. Introduction

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

Objectives

The training module addresses judges and prosecutors dealing with environmental issues with previous general, and in certain cases specific, knowledge regarding the subject. The module will provide judges and prosecutors with relevant information on the latest developments of the EU environmental law *acquis*, relevant jurisprudence of the Court of Justice of the EU and an in-depth analysis of the topic with a special focus on EU Industrial Emissions Directive. 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 main legal aspects of EU law on industrial emissions. The key topics to be covered are:

- Introduction to the EU Industrial Emissions Directive (IED)
- Best Available Techniques (BAT) conclusions
- Implementation of the IED – most important legal issues
- Large combustion plants and their specific situation
- Enforcement of EU and national law on industrial emissions with a focus on inspections and penalties

- Public participation in the Framework of the EU Industrial Emissions Directive
- Preliminary reference procedure invoking non-compliance with the EU Industrial Emissions Directive

After this training on EU Industrial Emissions Directive, 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 EU Industrial Emissions Directive 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 the EU Industrial Emissions Directive" 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.

- Unit 1: Introduction to the EU Industrial Emissions Directive (IED)
- Unit 2: Best Available Technique (BAT) conclusions
- Unit 3: Implementation of the IED – most important legal issues
- Unit 4: Case study on the legal issues with regard to the implementation of the IED
- Unit 5: Large combustion plants and their specific situation
- Unit 6: Enforcement of EU and national law on industrial emissions with a focus on inspections and penalties
- Unit 7: Public participation in the framework of the IED

- Unit 8: Case study on public participation in environmental matters with a focus on IED
- Unit 9: Preliminary reference procedure invoking non-compliance with the EU IED
- Unit 10: Case study on the role of a judge when dealing with files on the IED – 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.

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.).

Teaching methods

Frontal (face-to-face) presentation

The optimal method for the provision of a large amount of information in a limited period of time is face-to-face presentations, conducted in plenary. This method provides the trainer with the necessary time and flexibility to structure and present the content of the sub-session as s/he sees fit.

Supporting material such as outlines and PowerPoint or other presentation tools should be employed during the lecture. This would not only enable participants to follow the presentation better, but constitute a reference document for the future as well, should end users wish to review the main issues of the sub-session.

One of the objectives of the workshop is to familiarise participants with existing legislation. In this context, reference to the material included in the user's pack should be made throughout the lecture and participants should be encouraged to go through the legal texts, identify the provisions and acquire a better understanding of their structure and applicability.

Enriching the lecture with practical examples could also be a means of emphasising the link between theory and practice and better illustrating the application of various legal instruments. Brief exercises or questions could also be formulated by the trainers, requiring participants to reflect and discuss them before presenting the answer. Trainers would thus not only create an atmosphere of dialogue within the group, but also assess whether the concepts have been properly explained.

Time for discussion or Q&A sessions should in all cases be ensured for end users wishing to ask for clarification or further information. Depending on the content and structure of each lecture, questions may be raised during the presentation or in a subsequent discussion session moderated by the trainer or the workshop leader.

Although the key role in face-to-face presentations is played by the trainer, end users should also be encouraged to actively contribute to different sub-sessions. Participants learn not only from the provision of the training per se, but also from hearing questions and problems they have not yet found themselves confronted with. For this reason it is important that all end users attending the workshop are encouraged and feel comfortable enough to share thoughts and ideas and contribute their own experiences. This element is of particular importance in international workshops, where participants have the possibility to expand their knowledge with information on the application of EU environmental law in other Member States, learning from each other.

Workshop case studies

In addition to information on the EU Industrial Emissions Directive, the training also aims at providing participants with some practical experience in the particularities of the cases on the subject.

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

- Case studies prepared in working groups

During the workshop exercises, participants will be given the opportunity to use their skills and knowledge to solve case studies related to i. the legal issues with regard to the implementation of the IED, ii. the participation in environmental matters with a focus on IED and, iii. the role of a judge when dealing with files on the IED – preliminary ruling

A short introduction on the organisational aspects of the task shall be provided to participants by the trainer with the questions and answers session to be followed during the plenary session: which issues shall be discussed in the groups, what results shall be aimed for and which deliverables shall be presented during the plenary session to be followed after the discussions.

Participants should subsequently be divided into smaller working groups and working space provided for each of them. Working in smaller groups has significant advantages for participants: the possibility to focus on case studies will enable them to deepen their recently acquired knowledge by applying it to concrete cases. This approximates a real-life scenario and can constitute valuable experience for the future. The working group format would allow each participant to be actively involved in the debate and improve their communication skills.

As one of the key objectives of the exercise is the exchange of opinions among end users, it is important that the workshop leader allocates participants to the working groups to support this interaction: in international implementing workshops and as long

as participants working languages allow it, end users from different Member States or from jurisdictions with different legal traditions should be brought together in the working groups. If a workshop is organised as a national judicial training, judges from different courts could be asked to work together. Further to solving the case, this diversity would allow participants to obtain better insights into how the questions would be dealt with and how the EU legislation involved are applied in another country, by a different legal profession, in a different city or court.

- As three case studies are recommended for the workshops implementing this training module, altering the composition of the working groups in each exercise would be a way to further increase participant interactivity.

The trainer shall set exact timing for each part of the task during the introductory part of the case study. Depending on the time available, the trainer, coordinating each exercise, will have to decide whether all working groups should deal with all case studies or if specific case studies should be allocated to different groups in order to ensure that end users are able to thoroughly examine all issues.

Once the working groups have been set up, they should organise themselves, develop a working method and identify which member(s) of the group will be responsible for reporting the conclusions of their discussion to other end users. The trainer leading the exercise should be present and following the interaction in each group to a certain extent, offering advice on time management, being available to provide clarification and answering questions, and being prepared to assist participants if they face major difficulties or their discussion becomes derailed. If trainers of other subjects of the workshop are present, they may also get involved in discussions of the chosen smaller group for monitoring the discussion and helping out on the subject matter.

When all the groups complete their work, participants should return to the plenary session room to discuss their conclusions. This will allow them to compare their solutions

to the features of the case studies, get further ideas from their colleagues in the other groups and broaden their understanding of the subject matter.

To achieve the objectives of this closing discussion, it is important to ensure that all groups take the floor and present the results of their work. It would be most effective to discuss one case at a time, invite the rapporteur of one of the groups to present their conclusions and the main elements of their discussion and then ask the end users of the other groups for additional comments, different opinions etc. In conclusion, the trainer should summarise the main points raised in the discussion and give his/her own feedback, so that participants can confirm whether they successfully dealt with the case or whether there could be further improvement.

- IT-supported learning

IT-supported learning can enhance the efficiency of training and give end users the opportunity to gain practical experience by making use of the possibilities the internet offers on issues related to environmental law in general. In this way end users will have the opportunity to become familiar with the various EU websites in the area (such as the E-Justice Portal, the EJTN website, Eur-Lex, the Curia website, ECLI etc.), where they can acquire further information and advice on how to apply EU instruments covered by the workshop. By efficiently using these websites, participants will actively learn how to find the relevant legal texts and cases and receive assistance on practical problems they may face when applying EU law in this area.

Documents

The documents to be made available at the training workshop consist of the contents of the user's pack. The user's pack will, in particular, include:

- blended e-learning material;
- workshop reader;
- background documentation set;

- workshop programme;
- list of participants;
- list of trainers/ speakers;
- CVs of the trainers;
- speakers' contributions;
- evaluation form.

III. User's pack: the function of different elements of the training module

Introduction

The term 'user's pack' means the entire wealth of material that will be made available to participants of an implementing workshop. This will consist mostly of the blended e-learning material, training material (related printed legal documents, links to online sources of bibliography of legal instruments on the topic on a USB stick, trainers' contributions and case studies) as well as supporting documents, such as the workshop programme, the list of participants, workshop evaluation forms etc.

It is, of course, at the discretion of the workshop organisers and trainers to use the materials provided in the manner they deem most fitting and to also include additional documents where necessary. All key EU legal instruments required for the provision of the training on Industrial Emissions Directive 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 Industrial Emissions Directive.

The key function of this e-learning material is to introduce end users to a number of legal topics with regard to various aspects of Industrial Emissions. Namely, the Industrial Emissions Directive (policy context, objectives, scope of application and structure) focus in particular on Large Combustion Plants (LCPs), Waste Incineration and Waste Co-Incineration (WID), Best Available Techniques (BAT) reference documents, public participation as well as permits, emissions limit values and penalties.

It will include:

- The main international and EU legal instruments as well as case law that will be analysed during the workshop which participants should go through before they attend the course, as well as the corresponding quiz to test their knowledge. The aim is not to replace the face-to-face sessions on these subjects but to complement them by ensuring that all participants have a common basic level of knowledge before they start and can make the most of the discussion to clarify issues in the face-to-face workshops.

- Access to the bibliography of legal instruments and other relevant source material which participants can refer to at any time.
- Access to the remainder of the e-learning version of the training module to be provided after the face-to-face workshop for participants to use as a refresher and to re-use with their colleagues alongside the face-to-face training materials.

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

Background documentation

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

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

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

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

Workshop exercise material

Three workshop exercises are proposed for the workshops implementing the training module on 'Industrial Emissions Directive'. 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 'National Judges and the EU Aarhus *Acquis* – Focus on Access to Justice' 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 the 'Industrial Emissions Directive' and its implementing workshops, 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:

- Unit 1: Introduction to the EU Industrial Emissions Directive (IED)
- Unit 2: Best Available Technique (BAT) conclusions
- Unit 3: Implementation of the IED – most important legal issues
- Unit 4: Case study on legal issues with regard to the implementation of the IED
- Unit 5: Large combustion plants and their specific situation
- Unit 6: Enforcement of EU and national law on industrial emissions with a focus on inspections and penalties
- Unit 7: Public participation in the framework of the IED
- Unit 8: Case study on public participation in environmental matters with a focus on
the IED
- Unit 9: Preliminary reference procedure invoking non-compliance with the EU
IED

- Unit 10: Case study on the role of a judge when dealing with files on the IED – 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 content of the programme, organisation and implementation of the workshop.

General objectives

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

Specific learning points

Introduction of organisers of the workshop

The welcoming session shall be used to introduce the training manager of the workshop, who is responsible for the successful implementation of the content of the programme, chairing of presentations, managing of the questions and answers sessions, arranging and implementing of the practical exercises, and dealing with *ad hoc* issues during the whole workshop. The training manager may be assisted by a judicial training advisor of the workshop, who, ideally, shall be an expert on the topic (a judge, a legal practitioner or an academic) and who is usually involved in preparation of the workshop material from the very beginning (setting the structure of the programme, arranging the content of each presentation as well as of practical exercise to be covered, checking all the prepared presentations to make sure that the material is not duplicating each other and also helping in implementing a workshop, if needed).

Introduction of participants and trainers

The opening session should also be used in order to allow participants to introduce themselves, present their national and professional background, and illustrate their

expectations for the workshop. In this way, end users will be familiar with addressing the group, which should facilitate their active participation in the following sessions and they will also get to know their colleagues' background a little better. Making trainers and participants aware of which nationalities and professional groups are represented in the workshop can be of great relevance in the discussion and an asset in ensuring effective exchange of information and experience. The possibility to discover from participants the experience which they bring with them to the training course and what they are primarily seeking to achieve by their participation could help the workshop leader to better adapt the programme to meet participants specific needs, by emphasising certain aspects, making adjustments on the time allocated in the different sub-sessions, etc.

- This may be achieved by inviting participants to ask a key question they expect to see addressed during the workshop or to indicate which element made them apply for the workshop.

Presentation of the workshop's programme

The workshop should include, at the beginning, a presentation of the programme, scope and objectives. The focus of each unit will be indicated and the expected contribution of the participants in each part of the programme emphasised. It is important that end users realise the goal of each unit and the flow of the workshop programme in order to be better equipped to follow the discussions and make sure they do not miss the opportunity to raise questions or clarify any ambiguity.

Presentation of the training material

The opening session is also the opportunity to present the material included in the user's pack and explain its function, so that end users may use it throughout the workshop. The content of the electronic documentation should be outlined (all related legal texts, links to online sources, suggested solutions to the case studies, etc.) and explanations provided on the documents that will have been made available to the participants in hardcopy for reference during the workshop (e.g. trainers presentations and outlines, key

legal texts, the case studies for the workshop exercises, documents such as the list of participants, the workshop assessment tools etc.).

Presentation of the workshop's organisational aspects

Further to this, all logistical aspects of the workshop will be presented. The locations that will be used during the workshop for the different sessions, the exercises and the lunch and coffee breaks will be indicated, the possibility to use computers, Wi-Fi, a library, a business station etc. laid out and information on the lunches organised and dinners provided. It is important here to ensure that end users are reminded of and are able to profit from all measures taken to facilitate their participation in the workshop, as well as of the importance of the joint activities in allowing a less formal interaction among trainers and fellow participants.

Methodology

While participants are in plenary; everyone is invited to introduce themselves. The programme of the workshop will be presented by the training manager of the workshop.

After welcoming participants and trainers to the workshop, they will be given the opportunity to introduce themselves and express their expectations regarding the workshop. This will improve the atmosphere of the workshop from the very beginning, which is a key element for its success. Participants are more likely to be active during the event if they know their colleagues' backgrounds.

Furthermore, the outline and main objectives of the workshop will be presented. This introduction will contain information on both the programme and the logistics (e.g. which rooms will be available for the participants during the workshop, library, availability of computers and Wi-Fi, coffee breaks and meals, evening programme).

Duration

The time allocated to the opening session will depend on the number of participants attending the workshop. Taking into account that the workshop should ideally have 20 to 30 participants, the opening session should last approximately 30 minutes, in order to ensure sufficient time for all trainers and participants to present themselves, and for the provision of all necessary information on the event.

Documentation

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

01	Final version of the workshop programme
02	List of trainers
03	Trainers' CVs
04	List of participants

The training manager should demonstrate the entire user pack in this unit, including the electronic documentation, in order to inform participants of all the different features of the pack.

Trainer's profile

The opening session will be held in plenary and coordinated by the training manager, the person responsible for ensuring the coherent management of the workshop, or the judicial training advisor. There would be an added value in assigning the role of the 'workshop manager' to the person responsible for the organisation of the workshop. He or she would be most suitable to present the programme's structure and main objectives, having made all related decisions and given priority to specific features of the training over others.

Unit 1: Introduction to the EU Industrial Emissions Directive

Short description of content and general objectives

The aim of this presentation is to set the scene of the topic. Namely, emphasis is given to the policy context, rationale and fundamental objectives of the EU Industrial Emissions Directive (IED). Given that IED is the main EU instrument regulating pollutant emissions and releases from industrial installations, the spotlight will be, firstly, on its adoption and historical development. Secondly, the material scope of the Directive (i.e. which installations are covered by the IED) as well as the environmental issues covered by its provisions will be presented. Thirdly, the legal regime of IED will be analysed by focusing on the legal instruments and processes concerning the implementation of the Directive. Finally, as the IED permit is at the centre of the IED regime, emphasis will be given to the conditions for granting such a permit, its content, as well as the rules for reconsidering/reviewing/updating permit conditions.

Specific learning points

- Objectives and rationale of the IED
- Material and environmental scope of the IED
- Legal framework
 - IED structure and key elements
 - IED key dates
- How IED law is made: focus on process and participants
- IED key feature: the IED permit

Methodology

This unit should be conducted as a face-to-face frontal presentation in plenary session. The scope of this unit is large, but attempts to not go beyond what is necessary for national judges. There will be sufficient time for participants to raise questions or discuss any unclear points and to contribute with their own experience after other presentations.

Therefore, this introductory part should be as clear as possible and not skip any key points which will be elaborated later on.

Time frame

The time allocated to this unit should be approximately 90 minutes.

Documentation

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

01	PowerPoint Presentation: "Introduction to the EU Industrial Emissions Directive"
02	A full text of the EU Industrial Emissions Directive

Trainer's profile

An ideal speaker is a representative of the European Commission with expertise in this field.

Unit 2: Best Available Technique (BAT) conclusions

Short description of content and general objectives

This presentation is intrinsically linked to the previous unit, as it zooms in on the fundamental element of the IED, the Best Available Techniques (BAT) conclusions. In this context, after giving the definitions of BAT conclusions, BAT reference documents (BREF) and emission levels associated with the best available techniques (BAT-AEL), emphasis is given to the criteria implemented to determine the concept of BAT by examining concrete examples, as well as to the content and the role of BAT conclusions in setting permit conditions. Special focus will briefly be on IED provisions in relation to soil clean-up, since the IED is a main mechanism to help achieve the key objectives of the Thematic Strategy on Soil Protection. In addition to this, the spotlight is put on the assessment of the IED implementation by analysing monitoring, compliance, inspection and reporting problems and challenges. Finally, this unit shortly refers to public participation in the IED permitting procedure and summarises an evaluation for the future developments of the IED.

Specific learning points

- IED key elements: BREFs, BAT Conclusions, BAT and BAT-AEPLs
- IED provisions and soil clean-up
- Assessing IED implementation:
 - Monitoring and compliance assessment
 - Inspections
 - Reporting
 - Non-compliance with permit conditions
- Role of public and NGOs
- Evaluation of the IED

Methodology

This unit should be conducted as a face-to-face frontal presentation in plenary session, encouraging questions and discussion.

Time frame

Given the complicated and highly technical nature of the topic, the time allocated to this unit should not be less than 90 minutes

Documentation

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

01	PowerPoint Presentation: 'Best available technique (BAT) conclusions'
02	A full text of the EU Industrial Emissions Directive

Trainer's profile

An ideal speaker is a representative of the European Commission with expertise in this field.

Unit 3: Implementation of the IED – the most important legal issues

Short description of content and general objectives

The objective of this presentation is to provide an in-depth understanding of the application of the integrated permitting procedure under the Industrial Emissions Directive (IED) and the most apparent implementation issues with the application of the its provisions. The slides start with the history and scope of the directive and its interlinkage with other elements of EU environmental law. Afterwards, participants are guided through the different steps of the permitting process, with special focus on BAT conclusions and the possible derogations from them. A comparison with the scope of the EIA Directive is also provided. Finally, relevant case-law of the Court of Justice of the EU is discussed.

Specific learning points

- Scope and history
 - The concept of best available techniques
 - History of the co-decision
 - Information on the recast
- The application of Art. 15(4)
 - Derogations from the use of BAT
 - COM guidance on the application of Art. 15(4) of March 2018
- Relation to environmental quality standards
- Chapter III and Annex V – special rules for large combustion plants
- EIA and IED
 - Comparison of scope
 - One stop-shop approach
- Penalties
 - Proportionality, effectiveness, dissuasiveness
 - Enforcement
- Information on the MCP Directive (medium combustion plants)

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

Timeframe

The time allocated to this unit should be approximately 75-90 minutes, including time for questions and answers.

Documentation

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

01	PowerPoint Presentation: "Implementation of the IED – most important legal issues"
02	Directive 2010/75/EU on industrial emissions
03	COM guidance on the application of Article 15(4) of the IED

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

	EU and Member States` Case Law
01	Joined Cases C-165-167/09 Stichting Natuur en Milieu
02	C-416/10 Križan and others
03	C-260/11 Edwards
04	C-158/12 COM v Ireland and C-243/13, COM v Sweden
05	C-137/14 COM v Germany

06	C-442/14 Bayer CropScience
07	C-304/15 Aberthaw
08	T-685/14 and T-565/14, EEB v COM

Trainer's profile

The ideal speaker would be a professor of administrative or environmental law or a practitioner with relevant knowledge and/or experience of industrial emissions, permitting and the IED.

Unit 4: Case study on the legal issues with regard to the implementation of the IED

Short description of content and general objectives

The objective of the case study is to provide the participants with a possibility to use the information obtained during the previous three units in practice and to consolidate their knowledge on the main legal issues relating to the implementation of the IED. Participants will examine a hypothetical case of a coal-fired thermal power plant and give their legal assessment regarding the probable consequences according to their domestic law provisions.

Specific learning points

- Competent authorities and IED process at domestic level
 - Operation without valid IED permit
 - National administrative and penal sanctions regime
- Non-compliance with permit conditions
- Accidental pollution from the installation at stake
- Understanding and Implementation of the derogations from BAT conclusions according to 15(4) IED

Time frame

The time allocated to this unit should be approximately 90 minutes (Introduction to the facts of the case, division into different working groups and preparation of the case, discussion of the results in plenary).

Documentation

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

01	Case study on legal issues relating to the implementation of the IED Directive
02	Directive 2010/75/EU on industrial emissions
03	COM guidance on the application of Article 15(4) of the IED

Trainer's profile

The ideal speaker would be a professor of administrative or environmental law or a practitioner with relevant knowledge and/or experience of industrial emissions, permitting and the IED.

Unit 5: Large combustion plants and their specific situation

Short description of content and general objectives

The objective of this presentation is to provide an in-depth understanding of the IED's specific legal regime on large combustion plants (plants with a rated thermal input of 50 MW or more), the structure of the Directive's relevant provisions and the related implementation issues. The slides start with the definition of a large combustion plant and an outline of the most relevant environmental issues related to their emissions. Following a brief overview of the history of EU-level regulation of such plants emissions, the different derogations and implementation alternatives (Transitional National Plan, limited lifetime derogation, small isolated systems, etc.) are presented. Finally, participants receive information on the Medium Combustion Plants Directive.

Specific learning points

- Scope and history
 - The definition of an LCP (including the common stack approach)
 - History of EU legislation on air pollution from combustion plants
- The interaction between Chapter II and III of the IED
 - The provisions of Chapter III as a "safety net" even if derogation under Article 15(4) is applied
 - COM guidance on the application of Art. 15(4) of March 2018
- Flexibility instruments under Chapter III
 - Transitional National Plan
 - Limited lifetime derogation (opt-out)
 - Small isolated systems (usually plants on islands)
 - District heating plants
- Enforcement and penalties
- Information on the MCP Directive (medium combustion plants)

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

Timeframe

The time allocated to this unit should be approximately 60 minutes, including time for questions and answers.

Documentation

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

01	PowerPoint Presentation: "Large combustion plants and their specific situation"
02	Directive 2010/75/EU on industrial emissions
03	COM guidance on the application of Article 15(4) of the IED

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

01	Directive 2001/80/EC (optionally for historical reference)
	EU and Member States` Case Law
02	Joined Cases C-165-167/09 Stichting Natuur en Milieu
03	C-304/15 Aberthaw

Trainer's profile

The ideal speaker would be a professor of administrative or environmental law or a practitioner with relevant knowledge and/or experience of industrial emissions, permitting and the IED/ex-LCPD.

Unit 6: Enforcement of EU and national law on industrial emissions with a focus on inspections and penalties

Short description of content and general objectives

The aim of this presentation is twofold: To introduce requirements for national inspections provided by Article 23 of the IED and to introduce the main aspects of imposing penalties under the IED Directive. The latter topic also covers requirements on sanctions, their effectiveness, proportionality, and dissuasiveness of the penalties.

The slides start with a brief comparison of the provisions for inspections in the legislation which was replaced by the IED and the general framework of harmonisations of environmental inspections so that the participants can understand the ideas behind Article 23 and a comprehensive set of requirements for inspections and obligations of the operators. The following slides focus on the most important aspect of the inspections: setting up an inspection plan and carrying out routine and non-routine inspections.

The second part of the presentation is devoted to penalties. Once again, a wide framework is provided so the participants can understand the requirements for penalties and criteria which can be taken into account in a particular case.

Specific learning points

- Harmonisation of inspections
- Article 23 ID requirements
 - Routine and non-routine environmental inspections
 - Environmental inspection plan at national, regional or local level
 - Systematic appraisal of the environmental risks
 - The report
 - Guidance
- Harmonisation of liability and sanctions
- Main principles of criminal liability
 - Ne bis in idem
 - Principle of legality

- Proportionate, effective, dissuasive sanctions
 - Proportionality
 - to Effectiveness
 - Dissuasiveness

Methodology

This unit should be conducted as a face-to-face frontal presentation in plenary session. The scope of this unit is large, but attempts not go beyond what is necessary for the national judges. There will be sufficient time for participants to raise questions or discuss any unclear points and to contribute with their own experience after other presentations. However, the participants should be encouraged to share their experience or peculiarities of their national legislation.

Time frame

The time allocated to this unit should be approximately 60 minutes.

Documentation

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

01	PowerPoint Presentation: "Enforcement of EU and national law on industrial emissions with a focus on inspections and penalties, Environmental inspections according to Article 23 IED, Penalties in relation to environmental law, Effectiveness, proportionality, dissuasiveness of the penalties, Special penalties in relation to industrial emissions, Administrative and criminal sanctions related to industrial emissions."
02	Article 23 of Directive 2010/75/EU of the European Parliament and the Council on industrial emissions (the Industrial Emissions Directive or IED)

Trainer's profile

The ideal speaker would be a person with knowledge in the judicial decision-making and a good overview of the principles of criminal law and the case law of both the CJEU and the ECHR, either from the judiciary or academia.

Unit 7: Public participation in the framework of the IED Directive

Short description of content and general objectives

The objective of this presentation is to provide an in-depth understanding of the requirements regarding public participation in the decision-making process, access to justice, as well as access to information provided by the Industrial Emissions Directive and by the Aarhus Convention. The presentation stresses the importance of the Aarhus Convention, as interpreted by the jurisprudence of the Aarhus Convention Compliance Committee, as a source of the relevant provisions of the IED. In particular, the presentation helps to understand the concept of the public concerned being entitled to participate in the decision-making process, the arrangements for public participation required by the Aarhus Convention and by the IED, and the scope of persons entitled to challenge integrated permits issued under IED. Relevant jurisprudence of the Court of Justice is also discussed.

Specific learning points

- General information
 - Aarhus Convention as a part of EU acquis and the source of IED provisions on public participation, access to justice and access to information
 - Role of the Aarhus Convention Compliance Committee
- Public participation
 - Who may participate: definition of "public concerned", incl. rights of foreign public concerned (non-discrimination clause)
 - Scope of decisions issued under IED requiring public participation
 - Arrangements for public participation procedure: "early and effective participation", reasonable time-frames, adequate, timely and effective notification, taking due account of comments submitted by the public
 - Public participation in reconsideration of a permit
- Access to justice

- Who has standing, including rights of foreign public
- Scope of judicial control
- Requirements for the appeal procedure (Article 9(4) of the Aarhus Convention)
- Access to information
 - Who shall have access to information: definition of “public”, incl. rights of foreign public
 - Scope of information to be disclosed

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

Time frame

The time allocated to this unit should be approximately 60 minutes, including time for questions and answers.

Documentation

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

01	PowerPoint Presentation: “Public participation and access to justice in the IED”
02	Directive 2010/75/EU (IED), Articles 24-25 and Annex IV
03	The Aarhus Convention

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

	EU and ACCC Case Law
01	ACCC/C/2013/91, UK

02	ACCC/C/2010/50, Czechia
03	ACCC/C/2006/16, Lithuania
04	ACCC/C/2007/22, France
05	ACCC/C/2014/99, Spain
06	ACCC/C/2010/51, Romania
07	ACCC/C/2004/3, Ukraine
08	ACCC/C/2014/121, EU
09	ACCC/C/2010/48, Austria
10	C-416/10, Krizan
	Guidelines
11	C(2017)2616 final Communication from the Commission of 28.4.2017 Commission Notice on Access to Justice in Environmental Matters
12	Maastricht Recommendations on Public Participation in Decision-making in Environmental Matters prepared under Aarhus Convention, UNECE 2015

Trainer's profile

The ideal speaker would be a practitioner or a professor with relevant knowledge and experience of public participation requirements.

Unit 8: Case study on public participation in environmental matters with a focus on the IED

Short description of content and general objectives

The objective of the case study is to provide the participants with the possibility to use the information obtained during the presentation "Public participation and access to justice in the framework of the IED" in practice. Participants will examine a hypothetical case involving challenging an integrated permit by various subjects (individual persons, NGOs, including foreign ones). The participants have to decide who had standing and which charges presented by these claimants were justified.

Specific learning points

- Scope of persons with standing in the hypothetical case
 - natural persons living in the country where the installation subject to the integrated permit is located
 - natural persons living abroad
 - NGOs registered in the country where the installation subject to the integrated permit is located
 - NGOs registered abroad
 - persons holding different rights to the property affected by the activity of the installation (owners, tenants)
- Types of charges which shall be regarded justified
 - insufficient public notice
 - lack of access by the public concerned to certain documents during the proceedings aimed to grant the permit
 - technical aspects of the permit application (permit issued on the basis of an incorrect technical documentation)

- the authority issuing the permit refused certain (foreign) persons participation in the administrative proceedings claiming they were not members of the “public concerned”
- simple “veto” against the issuance of the permit

The participants should be divided into small (5-8 people) groups, each group discussing the case. Subsequently all the participants will meet in the plenary session where each group will report their conclusions. The conclusions will be commented by the trainer and discussed in the plenary.

Time frame

The time allocated to this unit should be approximately 90 minutes.

Documentation

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

01	Text of the case study
02	PowerPoint Presentation: “Public participation and access to justice in the IED”
03	Directive 2010/75/EU (IED), Articles 24-25 and Annex IV
04	The Aarhus Convention

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

	EU and ACCC Case Law
01	ACCC/C/2013/91, UK
02	ACCC/C/2010/50, Czechia
03	ACCC/C/2006/16, Lithuania

04	ACCC/C/2007/22, France
05	ACCC/C/2014/99, Spain
06	ACCC/C/2010/51, Romania
07	ACCC/C/2004/3, Ukraine
08	ACCC/C/2014/121, EU
09	ACCC/C/2010/48, Austria
10	C-416/10, Krizan
	Guidelines
11	C(2017)2616 final Communication from the Commission of 28.4.2017 Commission Notice on Access to Justice in Environmental Matters
12	Maastricht Recommendations on Public Participation in Decision-making in Environmental Matters prepared under Aarhus Convention, UNECE 2015

Trainer's profile

The ideal speaker would be a practitioner or a professor with relevant knowledge and experience on public participation requirements.

Unit 9: Preliminary reference procedure invoking non-compliance with the EU Industrial Emissions Directive

Short description of content and general objectives

The general objective of this presentation is to give basic information on how to handle the IED in the national court room. The slides give an overview of the main features that are important in this context. The role of the national judge as an EU judge is explained. A special focus is put on access to justice. In a "practitioner's corner" the question is discussed whether non-compliance with the IED must be raised on the own motion of the judge (ex officio). Sweden and Italy are presented to show the diversity of administrative justice systems within the EU. The legal basis and the main features of the IED are described. Practical advices on how to initiate preliminary ruling proceedings are provided.

Specific learning points

- Role of the national judge
 - seen from the perspective of the EU legal framework
 - ex officio review of EU law?
- Features of the IED
 - legal basis
 - aim and objectives
 - principles of EU environmental law
 - integrated prevented approach
 - access to justice clause
- preliminary reference
 - legal basis
 - recommendations by the CJEU

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

Time frame

The time allocated to this unit will be approximately 90 minutes and should include some time for discussion with the participants.

Documentation

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

01	PowerPoint Presentation: "Preliminary reference procedure in context: Invoking non-compliance with the IED"
02	IED

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

	EU and Member States` Case Law
01	CJEU, C-312/93 (Peterbroek)
02	CJEU, C-416/10 (Križan and Others)

Trainer's profile

An ideal speaker may be a professor or a practitioner. However, it is important the he or she is able to show the audience how the IED may be relevant when deciding national cases.

Unit 10: Case study on the role of a judge when dealing with files on the IED – preliminary ruling

Short description of content and general objectives

In this unit a case study will be presented. It is about the results of an on-site inspection under the IED and whether or not these results may be legally published on the internet by the competent public authority. The problem is put into the context of an administrative lawsuit. The affected company brings an action against the publication of the results to the administrative court. The categories of reviewable administrative act, standing and the well-foundedness of the claim have to be discussed. Therefore, the slides include the main features of administrative justice. On the merits this approach leads to the application of the IED. The participants are enabled to apply the IED in the context of procedural law.

Specific learning points/ questions raised for the case study

- Admissibility
- IED: publication of an inspection report
- Legalizing effect of a valid permit
- Case by case assessment

Methodology

The trainer will present the case by raising the main factual features. 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.

Time frame

The introduction of the case study should take 15 minutes; afterwards participants will divide 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	Case study (Word): "The Inspection and the Internet"
02	PowerPoint: "The Inspection and the Internet (indicative answers/solutions)"
03	

Trainer's profile

Continuous training of judges on the subject can be more successful when done by a colleague who has the same professional background ("speaking the same language"). An ideal speaker could therefore be a judge experienced in administrative justice.

Unit 11: Closing session – evaluation of the workshop

Short description of content

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

General objectives

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

Specific learning points

- Summing up the event
- Obtaining the feedback
- Use the feedback and the evaluations to improve the training module (for organisers)

Methodology

Participants will be in plenary. Before the final discussion and evaluation of the event is actually opened, each participant should have already filled in the evaluation form. If possible, all participants, i.e. including the speakers and the training manager and/or judicial training advisor of the workshop, shall participate in this final evaluation session. The training manager of the workshop should encourage the participants to speak openly about their impressions of the workshop.

Time frame

The closing session should take approx. 20-30 minutes.

Documentation

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

01	Evaluation form
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Trainer profile

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

Annex I: Template indicative workshop programme

HOW TO HANDLE COURT PROCEEDINGS INVOKING NON- COMPLIANCE WITH EU INDUSTRIAL EMISSIONS DIRECTIVE

WORKSHOP FOR JUDGES

- **Date & Place**

Speakers & training managers

Key topics

- Presentation and analysis of the Industrial Emissions Directive (IED)
- Implementation of the IED
- Large combustion plants
- Best available technique (BAT) conclusions
- Public participation in the framework of the IED Directive
- Relevant CJEU case law
- Preliminary ruling procedure
- Case studies on the topics

Language

Organiser

Day 1

- 8:45 Arrival and registration of participants
- 9:15 **Welcome and introduction**
- 9:30 **Introduction to the EU Industrial Emissions Directive**
- EU legal framework on air quality and on industrial emissions
 - Structure of the IED
 - Essential provisions of the IED and key features
- Speaker*
- 11:00 coffee break
- 11:30 **Best available technique (BAT) conclusions**
- Introduction into 14 sets of BAT conclusions developed under the Industrial Emissions Directive
 - Role of the BAT conclusions in the decision-making process by the authorities
- Speaker*
- 13:00 lunch break
- 14:00 **Implementation of the IED – most important legal issues**
- The derogations under Article 15(4) IED
 - The implementation of Article 18 IED
 - The indirect emissions and BAT-associated emission limits (BATAELs)
- Speaker*
- 15:30 coffee break
- 16:00 **Case study on the legal issues with regard to the implementation of the IED**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
- Speaker*
- 17:30 End of the first workshop day

Day 2

- 9:30 **Large combustion plants and their specific situation**
- Specific provisions of the IED on combustion plants
 - Flexibility measures provided for large combustion plants
 - Transitional national plans
 - Limited lifetime derogation
- Speaker*
- 11:00 Coffee break
- 11:30 **Enforcement of EU and national law on industrial emissions with a focus on inspections and penalties**
- Environmental inspections according to Article 23 IED
 - Penalties in relation to environmental law
 - Effectiveness, proportionality, dissuasiveness of the penalties
 - Special penalties in relation to industrial emissions
 - Administrative and criminal sanctions related to industrial emissions

Objective

The goal of this two-and-a-half-day workshop is to develop understanding on the key legal aspects of EU law on industrial emissions and to exchange views among judges from various Member States regarding this topic.

Emphasis will be given to the presentation and the analysis of the Industrial Emissions Directive as well as the new EU Directive on medium combustion plants.

By addressing the issues regarding industrial emissions and their relation to other environmental law instruments the workshop aims to facilitate the handling of future national court proceedings relating to this topic.

Venue

Who should attend?

Judges and prosecutors interested in environmental law

Your contact persons

Speaker

13:00 Lunch break

14:00 **Public participation in the framework of the IED Directive**

- The origins of public participation in environmental matters (in particular the Aarhus Convention)
- Legislative developments effected under the framework of the IED
- The latest jurisprudence of the CJEU in this field

Speaker

15:00 Coffee break

15:30 **Case study on public participation in environmental matters with a focus on the IED**

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

Speaker

17:00 End of the second workshop day

Day 3

09:00 **Preliminary reference procedure invoking non-compliance with the EU Industrial Emissions Directive**

- Article 267 TFEU
- National courts and uniform interpretation of the IED

Speaker

10:30 coffee break

11:00 **Case study on the role of a judge when dealing with files on the IED – preliminary ruling**

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

Speaker

12:30 **Evaluation of the workshop**

13:00 **End of the workshop**

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

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

	I. The Industrial Emissions Directive	
	1. EU Documents	
1	Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants	ONLINE
2	COMMISSION DECISION 2011/C 146/03 of 16 May 2011 establishing a forum for the exchange of information pursuant to Article 13 of the Directive 2010/75/EU on industrial emissions	ONLINE
3	Directive 2010/75/EU of the European Parliament and of the Council of 24	1

	November 2010 on industrial emissions (integrated pollution prevention and control)	
4	Directive 2009/126/EC of the European Parliament and of the Council of 21 October 2009 on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations	ONLINE
5	Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC	ONLINE
6	European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations	ONLINE

7	Commission Implementing Decision (EU) 2018/1135 of 10 August 2018 establishing the type, format and frequency of information to be made available by the Member States for the purposes of reporting on the implementation of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (notified under document C(2018) 5009)	ONLINE
8	Commission Implementing Decision (EU) 2015/2119 of 20 November 2015 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the production of wood-based panels (notified under document C(2015) 8062)	ONLINE
9	Commission Implementing Decision 2014/738/EU of 9 October 2014 establishing best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions, for the refining of mineral oil and gas (notified under document C(2014) 7155)	ONLINE
10	Commission Implementing Decision 2014/687/EU of 26 September 2014	ONLINE

	<u>establishing the best available techniques (BAT) conclusions, under Directive 2010/75/EU of the European Parliament and of the Council, for the production of pulp, paper and board (notified under document C(2014) 6750)</u>	
11	<u>Commission Implementing Decision 2013/84/EU of 11 February 2013 establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the tanning of hides and skins (notified under document C(2013) 618)</u>	ONLINE
12	<u>Commission Implementing Decision 2012/119/EU of 10 February 2012 laying down rules concerning guidance on the collection of data and on the drawing up of BAT reference documents and on their quality assurance referred to in Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (notified under document C(2012) 613)</u>	ONLINE
13	<u>Commission Implementing Decision 2012/135/EU of 28 February 2012 establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for iron and steel production (notified under document C(2012) 903)</u>	ONLINE
14	<u>COMMISSION IMPLEMENTING DECISION 2012/134/EU of 28 February 2012 establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for the manufacture of glass</u>	ONLINE
15	<u>Commission Implementing Decision 2012/795/EU of 12 December 2012 establishing the type, format and frequency of information to be made available by the Member States for the purposes of reporting on the implementation of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (notified under document C(2012) 9181)</u>	ONLINE
16	<u>Application of IED Article 15(4) derogations, Final Report, European Commission Directorate-General Environment, March 2018</u>	ONLINE

17	REGULATION (EC) No 1367/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies	ONLINE
18	Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), 25 June 1998	35
19	2. EU Case Law	
20	Case C-304/15, Judgment of the Court (Seventh Chamber) of 21 September 2016, European Commission v United Kingdom of Great Britain and Northern Ireland	ONLINE
21	Case C-506/14, Judgment of the Court (Sixth Chamber) of 26 October 2016, Yara Suomi Oy and Others v Työ- ja elinkeinoministeriö	ONLINE
22	Case C-137/14, Judgment of the Court (Second Chamber) of 15 October 2015, European Commission v Federal Republic of Germany	ONLINE
23	C-442/14, Judgment of the Court (Fifth Chamber) of 23 November 2016, Bayer CropScience SA-NV and Stichting De Bijenstichting v College voor de toelating van gewasbeschermingsmiddelen en biociden	ONLINE
24	Case C-81/14, Judgment of the Court (Fifth Chamber) of 10 September 2015, Nannoka Vulcanus Industries BV v College van gedeputeerde staten van Gelderland	ONLINE
25	T-565/14, Order of the General Court (Seventh Chamber) of 17 July 2015, European Environmental Bureau (EEB) v European Commission	ONLINE
26	C-243/13 Judgment of the Court (Fifth Chamber) of 4 December 2014. COM v	ONLINE

	Sweden (FR)	
27	C-158/12 Judgment of the Court (Seventh Chamber) of 11 of April 2013. COM v Ireland.	ONLINE
28	C-260/11 Judgment of the Court (Fourth Chamber) of 11 April 2013. Edwards and Pallikaropoulos.	ONLINE
29	C-416/11 Judgment of the Court (Grand Chamber) of 15 January 2013. Krizan and Others.	ONLINE
30	C-1165-167/09 Judgment of the Court (Fifth Chamber) of 26 May 2011. Stichting Natuur en Milieu and Others v College van Gedeputeerde Staten van Groningen.	ONLINE
	3. Reports, Guidelines, Documents, studies	
31	Report from the Commission to the Council and the European Parliament on implementation of Directive 2010/75/EU and final reports on its predecessor legislation, 4.12.2017	ONLINE
32	REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL Report from the Commission on the reviews undertaken under Article 30(9) and Article 73 of Directive 2010/75/EU on industrial emissions addressing emissions from intensive livestock rearing and combustion plants	ONLINE
33	2012/119/EU: Commission Implementing Decision of 10 February 2012 laying down rules concerning guidance on the collection of data and on the drawing up of BAT reference documents and on their quality assurance referred to in Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (notified under document C(2012) 613) Text with EEA relevance	ONLINE
34	Communication from the Commission — European Commission Guidance	ONLINE

	concerning baseline reports under Article 22(2) of Directive 2010/75/EU on industrial emissions	
35	Commission Decision of 16 May 2011 establishing a forum for the exchange of information pursuant to Article 13 of the Directive 2010/75/EU on industrial emissions	ONLINE
36	European Commission, Citizen's Guide to Access to Justice in Environmental Matters, 28 September 2018	ONLINE
37	C(2017) 2616 final, Communication from the Commission of 28 April 2017 - Commission Notice on Access to Justice in Environmental Matters	ONLINE

