

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

Workshop for judges and prosecutors

Trier, 23-25 April 2018

**UP
GRADE**
YOUR LEGAL
EXPERTISE

**Environmental
Law**



Speakers & training managers

Patrick Dietz, DG ENV, European Commission, Brussels

Matthias Keller, Presiding Judge, Administrative Court, Aachen

Klaus Lernhart, Judicial Training Advisor, ERA, Trier; former Presiding Judge, Higher Administrative Court, Mannheim

Kleoniki Pouikli, Course Director, European Public Law, ERA, Trier

Christoph Sobotta, Legal Secretary (AG Kokott), CJEU, Luxembourg

Vojtech Vomacka, Advisor in Environmental Law and EU Law Matters, Supreme Administrative Court of the Czech Republic

Matthieu Wemaëre, Senior Legal Expert, Partner at Law Firm Matthieu Wemaëre Association d' Avocats

Representative, European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), Brussels

Key topics

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

Language
English

Event number
418DV88

Organiser
ERA (Kleoniki Pouikli) on behalf of the European Commission (contracting authority)



With the support of the "Cooperation with National Judges in the field of Environmental Law" programme of the European Union

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

Monday, 23 April 2018

- 9:15 Arrival and registration of participants
- 9:45 **Welcome and introduction**
Kleoniki Pouikli, Course Director, ERA

I. SETTING THE SCENE

- 10:00 **Introduction to the EU nature protection framework**
- Biodiversity, economic, health and scientific impacts on natural capital
 - EU Biodiversity Strategy
 - Key terms and concepts
- Patrick Dietz*
- 11:00 Coffee break
- 11:30 **Overview of EU nature law and policy**
- EU Nature law instruments and how they complement each other
 - Birds and Habitats Directives
 - Main objectives and key features
- Matthieu Wemaëre*
- 13:00 Lunch break

II. SPECIES PROTECTION PROVISIONS UNDER THE BIRDS DIRECTIVE

- 14:00 **The EU birds protection regime**
- Threatened birds, LIFE priority birds
 - Key concepts of Article 7(4) of the Birds Directive
 - Analysis of Articles 5-8 of the Birds Directive
 - Guidance on hunting
- Patrick Dietz*
- 14:45 **Article 9 of the Birds Directive**
- Legal requirements of derogations under this provision
 - CJEU case law
 - EC guidance documents
- Christoph Sobotta*
- 15:30 Coffee break
- 16:00 **Case study on the application of derogation under Article 9 of the Birds Directive**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
- Christoph Sobotta*
- 17:30 End of the first workshop day

Tuesday, 24 April 2018

III. SPECIES PROTECTION PROVISIONS UNDER THE HABITATS DIRECTIVE

- 09:15 **Overview of the species protection framework**
- EC guidance on Articles 12 and 16 of the Habitats Directive
 - EU species Red Lists
 - EU species action plans
- Matthieu Wemaëre (TbC)*
- 10:30 Coffee break

Objective

This two-and-a-half day workshop will provide the participants with an overview of EU Nature law with a focus on species protection under the Habitats and Birds Directives. Moreover, emphasis will be given on the efforts aimed at eliminating illegal killing, taking and trade of wild birds according to the Bern Convention Recommendation No 177(2015). By addressing the issues that may be relevant for judges and prosecutors, it aims at facilitating the handling of future national court proceedings in this field.

Venue

ERA Conference Centre
Metzer Allee 4
54295 Trier
Germany

Who should attend?

Judges and prosecutors interested in environmental law

Your contact persons



Dr Kleoniki Pouikli
Course Director
European Public Law
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11:00 **Case study on species protection under the Habitats Directive**

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

Matthias Keller

12:30 Lunch break

IV. ILLEGAL KILLING, TAKING AND TRADING OF WILD BIRDS

13:30 **Bern Convention Recommendation No 177 (2015)**

- Process of imposing sanctions in wildlife crimes
- Gravity factors and sentencing principles for the evaluation of offences against birds
- Illegal killing, trapping and trade of wild birds

Vojtech Vomacka

14:15 **Trade in wild fauna and flora**

- The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Vojtech Vomacka

14:45 **Illegal killing, trapping and trading of birds: a brief journey through Europe**

- IMPEL Nature Protection Project
- Best practices and challenges

IMPEL Expert

15:15 Coffee break

15:45 **Case study on illegal killing, taking and trading of birds**

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

Klaus Lernhart

17:30 End of the second workshop day

Wednesday, 25 April 2018

V. ENFORCEMENT AT NATIONAL LEVEL

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

Matthias Keller

10:30 Coffee break

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

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

Matthias Keller

12:30 **Evaluation of the workshop**

Kleoniki Pouikli

13:00 End of the workshop