

HOW TO HANDLE COURT PROCEEDINGS INVOKING NON-COMPLIANCE WITH EU ENVIRONMENTAL ASSESSMENT LAW

Focus on Environmental Impact Assessment &
Strategic Environmental Assessment Directives

Workshop for judges

Sofia, 22-24 October 2018

**UP
GRADE**
YOUR LEGAL
EXPERTISE

**Environmental
Law**



Speakers & training managers

Valerie Fogleman, Professor, Law School, Cardiff University;
Consultant, Stevens & Bolton LLP

Matthias Keller, Presiding Judge, Administrative Court,
Aachen

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

Christina Olsen Lundh, Judge at the Land and Environment
Court, District Court of Vänersborg; Adjunct Senior Lecturer at
the Department of Law, University of Gothenburg

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

Peter Vajda, Environmental Expert, Energy Community
Secretariat, Vienna

Representative, DG Environment, European Commission,
Brussels

Key topics

- Environmental Impact Assessment (EIA) Directive 2014/52/EU
- Strategic Environmental Assessment (SEA) Directive 2001/42/EC
- Scoping and screening procedures & relevant CJEU case law
- Enforcement & judicial review under EIA/SEA Directives
- Public participation & access to justice
- The role of the judge in applying the EIA/SEA Directives
- Various case studies on the topics

Language
English

Event number
418DV115

Organiser
ERA (Kleoniki Pouikli) on behalf of the
European Commission (contracting
authority) in cooperation with the
Bulgarian National Institute of Justice
(NIJ)



**NATIONAL INSTITUTE
OF JUSTICE**



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 ENVIRONMENTAL ASSESSMENT LAW – FOCUS ON EIA AND SEA DIRECTIVES

Monday, 22 October 2018

9:15 Arrival and registration of participants

9:45 **Welcome and introduction**
Representative of the National Institute of Justice
Kleoniki Pouikli, Course Director, ERA

I. ENVIRONMENTAL ASSESSMENT IN EU ENVIRONMENTAL POLICY

10:00 **Introduction to the Environmental Impact Assessment (EIA) Directive**

- Concept of EIA and historical development of EIA Directive
- 2014 Amendment of the EIA Directive: aims & transposition status

Introduction to Strategic Environmental Assessment (SEA) Directive

- Definition and objectives of SEA Directive
- Role and significance of SEA Directive

Overview of the relationship between EIA and SEA Directives
European Commission Representative

11:30 Coffee break

II. ENVIRONMENTAL IMPACT ASSESSMENT (EIA) UNDER SCRUTINY

12:00 **Activities subject to EIA**

- Concept of “project”
- Screening information, criteria and thresholds
- CJEU case law (splitting projects, dual-purpose projects, cumulative impacts)

Christina Olsen Lundh

13:00 Lunch break

14:00 **Procedure of assessment**

- Scoping
- Assessment of alternatives
- Development consent decision/the reasoned conclusion
- Monitoring
- Environmental Authority/Competent Authority
- CJEU case law

Peter Vajda

15:30 Coffee break

16:00 **Case study on the implementation of the EIA Directive**

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

Valerie Fogleman

17:30 End of the first workshop day

Tuesday, 23 October 2018

III. STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) UNDER SCRUTINY

09:30 **Scope and screening under the SEA Directive**

- Definition of plan and programme subject to SEA
- Screening procedure and criteria
- EC guidance on integrating climate change and biodiversity into the SEA
- CJEU case law

Peter Vajda

11:00 Coffee break

Objective

This two-and-a-half day workshop will provide the participants with an overview of EU environmental assessment law with a focus on the Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) Directives. The focus will be on scope, screening and judicial control under EIA/SEA Directives.

Emphasis will be given to the interaction with other forms of assessment in EU environmental legislation and participatory rights in the context of EIA/SEA Directives.

By addressing these issues that may be relevant for judges, this workshop aims at facilitating the handling of future national court proceedings in this field.

Who should attend?

Judges interested in environmental law

Venue

National Institute of Justice
14 Str. Exarh Yosif
1000 Sofia
Bulgaria

Your contact persons



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11:30 **Case study on the implementation of the SEA Directive**

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

Matthias Keller

13:00 Lunch break

IV. ENFORCEMENT AND JUDICIAL REVIEW UNDER EIA/SEA

14:00 **Scope of judicial control under the SEA and EIA procedure**

- Quality control
- Ex post assessment of an EIA project
- Role and scope of judicial review
- CJEU case law

Christina Olsen Lundh

15:00 Coffee break

V. EIA/SEA PROCEDURES AT CROSSROADS

15:30 **Synergies between EIA/SEA Directives and substantive EU environmental law**

- EIA/SEA Directives and the Habitats Directive
- EIA/SEA Directives and the Water Framework Directive
- EIA/SEA Directives and the Industrial Emissions Directive

Valerie Fogleman

17:00 End of the second workshop day

Wednesday, 24 October 2018

VI. EIA/SEA PROCEDURE AND CITIZENS' RIGHTS

09:00 **Public participation under the EIA/SEA Directives**

- Procedural steps
- Access to justice for NGOs
- CJEU case law

Matthias Keller

10:30 Coffee break

11:00 **Case study on the role of a judge when dealing with files on EIA/SEA instruments – 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

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