



ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

Workshop for judges and prosecutors
Budapest, 04-06 December 2024

EXCELLENCE IN
EUROPEAN LAW¹

Speakers

Alessandro Andronio, Judge, Supreme Court, Roma (**invited, TBC**)

Fruzsina Bögös, Judge at the Supreme Court of Hungary, Member of the Aarhus Convention Compliance Committee

Luisa Cortat, Course Director, European Public Law, ERA, Trier, Germany

Georgina Kiss, Judge, Budapest District Court

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

Peter Vajda, Senior Environmental Expert, Energy Community Secretariat, Vienna

Vojtěch Vomáčka, Legal Advisor (Supreme Administrative Court of the Czech Republic) and Assistant Professor (Masaryk University), Brno

EC Representative

Key topics

- Comprehensive analysis of the Aarhus Convention
- EU environmental law and the Aarhus Convention
- Legal standing: Categories and conditions under EU law
- Judicial review: Grounds, intensity, and CJEU case law
- Effective remedies
- Access to justice in specific EU environmental law instruments
- Preliminary reference
- CJEU case law
- Various case studies

Language

English

Event number

424DV152

Organiser

ERA (Dr Luisa Cortat) on behalf of the European Commission, in cooperation with the Hungarian Academy of Justice.

ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

04 December 2024

09:00 Arrival and registration of participants

09:15 **Opening of the seminar**
Luisa Cortat

I. SETTING THE SCENE

09:30 **Access to justice on environmental matters and the Aarhus Convention**

- Development, aim, main features of the Aarhus Convention
- The three-pillar structure
- The Aarhus Compliance mechanism

Fruzsina Bögös

10:30 Discussion

10:45 Coffee break

II. THE AARHUS REQUIREMENTS AND EU LAW

11:15 **EU environmental law and the Aarhus Convention**

- Status in Europe and direct effect at EU level
- European Commission Notice on Access to Justice in Environmental Matters

EC Representative

12:00 Discussion

12:15 **Right to bring a legal challenge (legal standing)**

- Categories of legal standing rights
- Locus standi for environmental NGOs
- Principle of primacy of EU law
- CJEU case law

Vojtěch Vomáčka

13:00 Lunch

14:00 **Right to bring a legal challenge (legal standing) – cont.**

- Legal standing under substantive EU environmental law
- Conditions of legal standing
- Judicial review of plans and programmes

Vojtěch Vomáčka

14:45 Quiz and discussion

15:15 Coffee break

15:45 **Case study on legal standing – Focus on industrial emissions**

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

Peter Vajda

17:15 End of first day

19:30 Dinner

05 December 2024

09:30 **Introduction**
Luisa Cortat

II. THE AARHUS REQUIREMENTS AND EU LAW (Cont.)

09:35 **Scope and standard of judicial review: EU law**

- Grounds of the judicial review
- Intensity of the judicial review
- CJEU case law

Alessandro Andronio

Objective

This 2.5-day workshop introduces access to justice in environmental matters under the Aarhus Convention and EU environmental law. The workshop highlights the pillars and compliance mechanisms of the Aarhus Convention. It examines the interplay between the Aarhus requirements and EU law, including legal standing, the scope of judicial review and the obligations of national judges. Finally, it focuses on enforcement at the national level, explaining the preliminary reference procedure and the role of national courts in interpreting EU environmental law. Discussions and case studies will provide practical perspectives and equip participants with the necessary tools to navigate through the relevant mechanisms.

Who should attend?

Judges and prosecutors from EU Member States interested in environmental law.

Venue

Hungarian Academy of Justice
H-1122 Budapest
Tóth Lőrinc u. 6.

Your contact persons



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For programme updates:

www.era.int

Programme may be subject to amendment.

- 10:20 Discussion
- 10:30 Coffee break
- 11:00 **Effective remedies – obligation of a national judge**
- Principle of equivalence and principle of effectiveness
 - Interim measures (injunctive relief)
 - CJEU case law
- Georgina Kiss*
- 11:45 Discussion
- 12:00 **Litigation costs and time limits of the procedures**
- Excessive and prohibitive costs for access to justice
 - Reasonable timelines of court procedures
 - CJEU case law
- Georgina Kiss*
- 12:45 Discussion
- 13:00 Lunch
- 14:00 **Access to justice in specific EU environmental law instruments**
- 2011/92/EU (EIA Directive)
 - 2001/42/EC (SEA Directive)
 - 2010/75/EU (Industrial Emissions Directive)
 - Commission notice on access to justice in environmental matters
- Peter Vajda*
- 14:45 Discussion
- 15:00 Coffee break
- 15:30 **Case study on judicial review and effective remedies – focus on the Environmental Impact Assessment (EIA) Directive**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
- Klaus Lernhart*
- 17:00 End of second day

06 December 2024

- 09:00 **Introduction**
Luisa Cortat

I. ENFORCEMENT AT THE NATIONAL LEVEL

- 09:05 **Preliminary reference procedure for interpretation and validity in the context of EU judicial protection in environmental cases**
- Article 267 TFEU
 - National courts and uniform interpretation of EU environmental law
- Alessandro Andronio*
- 09:45 Discussion
- 10:00 Coffee break
- 10:30 **Case study on the role of a judge when dealing with environmental cases at the national level – preliminary ruling**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
- Alessandro Andronio*
- 12:00 Evaluation of the workshop
- 12:30 End of the workshop

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ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

Workshop for judges & prosecutors

Budapest, 4-6 December 2024 / Event Number: 424DV152



Financed by the "Cooperation with National Judges in the field of Environmental Law" programme of the European Union

Terms and conditions of participation

Selection

1. Participation is only open to judges and prosecutors from all EU Member States.
2. The number of places available is limited. Participation will be subject to a selection procedure. Selection will be dependent on:
 - i. the relevance of the seminars to the professional life of the applicant;
 - ii. geographical, professional, and linguistic balance among the participants will be sought;
 - iii. In case of exceeding applications, only one person per institution may be accepted.
3. Online applications can be made until **14 October 2024**
4. A response will be given to every applicant of this workshop shortly after this deadline. We advise you not to book any travel or hotel before you receive our confirmation.

Registration Fee

5. There is no registration fee.

Travel expenses

6. **The travel expenses will be reimbursed to a maximum of 400 euros** subject to the submission of the originals of travel receipts (like flight ticket, boarding pass, train ticket, taxi costs can only be reimbursed in exceptional cases and has to be justified in written, etc.). Participants are advised of the obligation to use the most cost-efficient mode of transport available.

Accommodation

7. **Maximum 3 hotel nights** will be covered directly by ERA, only for the hotel booked by ERA.

Other services

8. Lunches, beverages consumed during the event and the workshop documents are offered by ERA.

Participation

9. Participation to the whole workshop is required and your presence will be monitored.
10. A list of participants including each participant's address will be made available to all participants unless the ERA receives written objection from the participant no later than one week prior to the beginning of the event.
11. The participant's address and other relevant information will be stored in ERA's database in order to provide information about future ERA events, publications and/or other developments in the participant's area of interest unless the participant indicates that he or she does not wish ERA to do so.
12. A certificate of attendance will be issued at the end of the workshop.
13. For further details please follow our project website: www.era.int/environmental_law

For further information:

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