



EU ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

Workshop for judges and prosecutors
Vienna, 19-21 February 2025



Planned Speakers

Anne Brosnan, Secretary General of the European Network of Prosecutors for the Environment (ENPE); Deputy Director (Chief Prosecutor), Legal and Audit Services, Environment Agency, Bristol

Aleksandra Bujaroska, Environmental Expert, Energy Community Secretariat, Vienna

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

Markus Grubner, Vice-President of the State Administrative Court, Pölsen, Austria

Rajko Knez, Judge at the Constitutional Court, Ljubljana, Slovenia (TBC)

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

Klaus Malacek, Environmental Enforcement, European Commission, DG Environment, Brussels

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

Vojtech Vomacka, Legal Adviser (Supreme Administrative Court of the Czech Republic) and Assistant Professor (Masaryk University), Brno

Key topics

- Overview of the Environmental Impact Assessment (EIA) Directive
- Overview of the Strategic Environmental Assessment (SEA) Directive
- Assessment procedures
- Scope of judicial control under the SEA and EIA procedure
- Access to justice in the EIA and SEA Directives
- EIA/SEA Directives in the context of substantive EU environmental law
- CJEU case law
- Preliminary reference procedure
- Various case studies

Language
English

Event number
425DV10

Organiser
ERA (Dr Luisa Cortat) on behalf of the European Commission



EU ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

Wednesday, 19 February 2025

09:00 Arrival and registration of participants

09:15 **Opening of the seminar**

Dr Luisa Cortat, ERA

Mag.^a Michaela Russegger, Chair of Chamber, Federal Administrative Court

ENVIRONMENTAL ASSESSMENT IN EU ENVIRONMENTAL POLICY

09:30 **Overview of the Environmental Impact Assessment (EIA) Directive**

- Activities subject to EIA
- Concept of "project"
- Multi-stage development consent procedures
- Screening procedure, case-by-case examination, criteria and justification
- CJEU case law (splitting projects, dual-purpose projects, cumulative impacts)

Klaus Malacek

10:30 Quiz and Discussion

11:00 Coffee break

11:30 **Procedure of assessment**

- Scoping
- Assessment of alternatives
- Public consultation and publication of decisions
- Development consent decision/the reasoned conclusion
- Monitoring
- Environmental Authority/Competent Authority and opinions of public authorities
- CJEU case law

Vojtech Vomacka

12:15 Discussion

12:30 **Overview of the Strategic Environmental Assessment (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

Klaus Malacek

13:15 Discussion

13:30 Lunch

14:30 **Case study on the implementation of the SEA Directive**

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

Andrej Kmecl

16:00 Coffee break

ENFORCEMENT, JUDICIAL REVIEW, AND ACCESS TO JUSTICE UNDER EIA/SEA

16:30 **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

Andrej Kmecl

17:15 Discussion

17:30 End of first day

19:30 Dinner

Thursday, 20 February 2025

09:30 **Introduction**

Objective

This 2.5-day workshop is designed to provide a comprehensive exploration of environmental impact assessment requirements in the context of EU environmental legislation and policy. The workshop will focus on the Environmental Impact Assessment (EIA) Directive and the Strategic Environmental Assessment (SEA) Directive. Led by experts in the field, sessions will cover procedural intricacies, in-depth analysis of the legal framework and relevant case law. Both the EIA and SEA Directives will be presented as part of a broader EU substantive environmental law by explaining their relationship with other EU instruments. The workshop will also examine the preliminary reference procedure. Through discussion and practical case studies, it will ensure that participants leave with the necessary tools and insights to navigate the complexities of environmental assessment in practice.

Who should attend?

Administrative and other judges and prosecutors from EU Member States interested in environmental law.

Venue

Federal Administrative Court
Erdbergstraße 192 - 196
1030 Vienna

Your contacts



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For programme updates:

www.era.int

Programme may be subject to amendment.

- 09:35 **Access to justice in the EIA and SEA Directives**
- Access to information, public participation and access to justice
 - Procedural steps
 - CJEU case law
- Vojtech Vomacka*
- 10:15 Discussion
- 10:30 Coffee break
- 11:00 **Case study on the implementation of the EIA Directive – focus on access to justice**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
- Aleksandra Bujaroska*
- 12:30 Lunch

SYNERGIES BETWEEN EIA/SEA DIRECTIVES AND SUBSTANTIVE EU ENVIRONMENTAL LAW

- 13:30 **Habitats Directive**
- Main objectives and key features, and related crimes
 - Focus on Article 6(3)
 - CJEU case law
- Anne Brosnan*
- 14:15 Discussion
- 14:30 **Water Framework Directive**
- Main objectives, key features, and related crimes
 - Focus on Article 4(7)
 - CJEU case law
- Anne Brosnan*
- 15:15 Discussion
- 15:30 Coffee break
- 16:00 **Industrial Emissions Directive**
- Main objectives and key features
 - Focus on impact assessment
 - CJEU case law
- Peter Vajda*
- 16:45 Discussion
- 17:00 End of second day

Friday, 21 February 2025

- 09:00 **Introduction**
- 09:05 **Case study on two wind energy projects and “renewable acceleration area” (RED III) – role-playing exercise**
- Introduction to the case study
 - Working groups
 - Plenary discussion of the results
- Markus Grubner*
- 11:30 Coffee break
- 11:00 **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
 - Preliminary reference procedure
- Markus Grubner*
- 11:45 Discussion
- 12:00 Evaluation of the workshop
- 12:30 End of the workshop

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Workshop for judges and prosecutors

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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 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 **17 December 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.

Online application:

www.era.int/?133356&en

Language

English

Contact Person

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