



WORKSHOP ON PRINCIPLES

An Cliquet – ERA Course judges, 29 October 2020

Case study

- Fictional case (but very realistic)
- Assignment: you are all lawyers, preparing arguments for an EU court case on environmental issues
- You base your arguments on EU environmental law principles

Case study

- 2 cases:
 - ▣ Case for the CJEU (preliminary reference) - judgment
 - ▣ Case for the CJEU (European Commission v. EU Member State) – interim measures

Facts of the cases

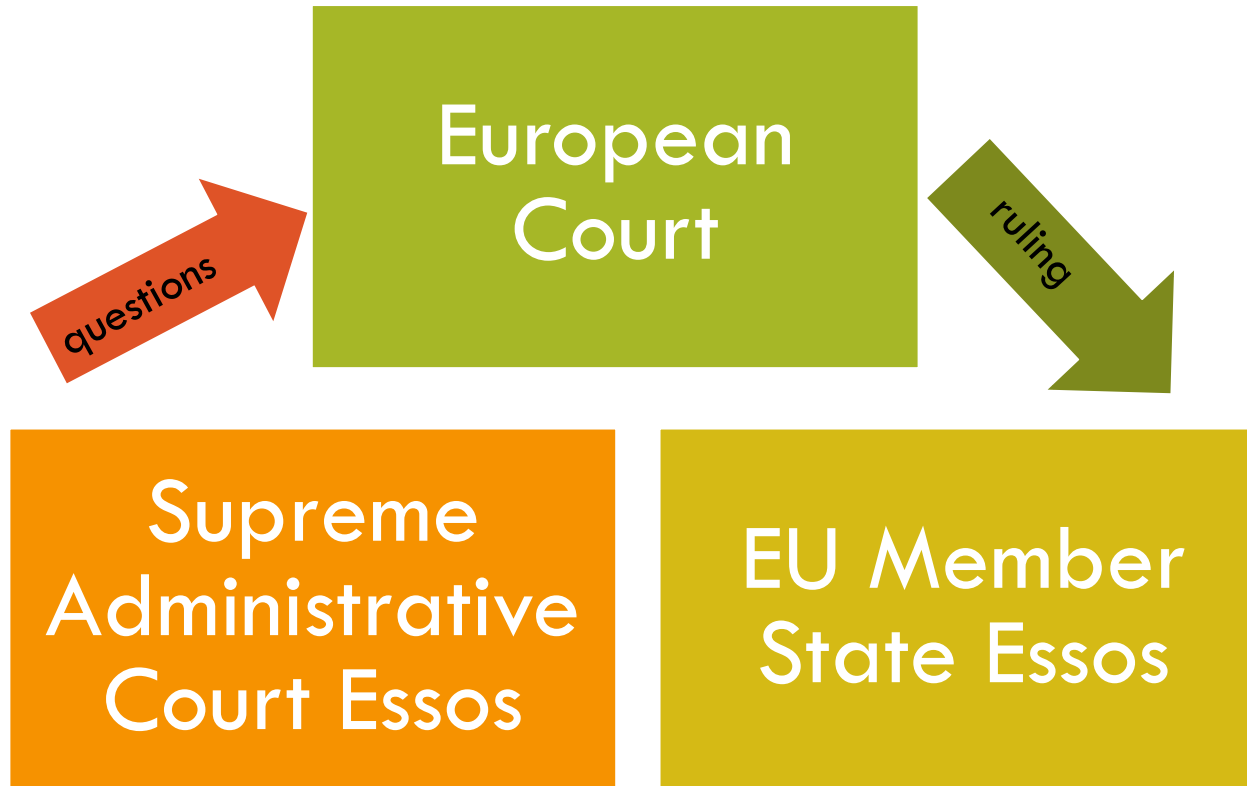


Case 1



Facts of case 1

- Strict protected species (under article 12 of Habitats Directive)
- The National agency of EU Member State Essos gives a permit for the limited hunting of the species (under the exception procedure of article 16 of Habitats Directive)
- A national NGO goes to the national administrative court to challenge the hunting permits
- The national court refers questions to the European Court of Justice through preliminary reference



Assignment for group 1

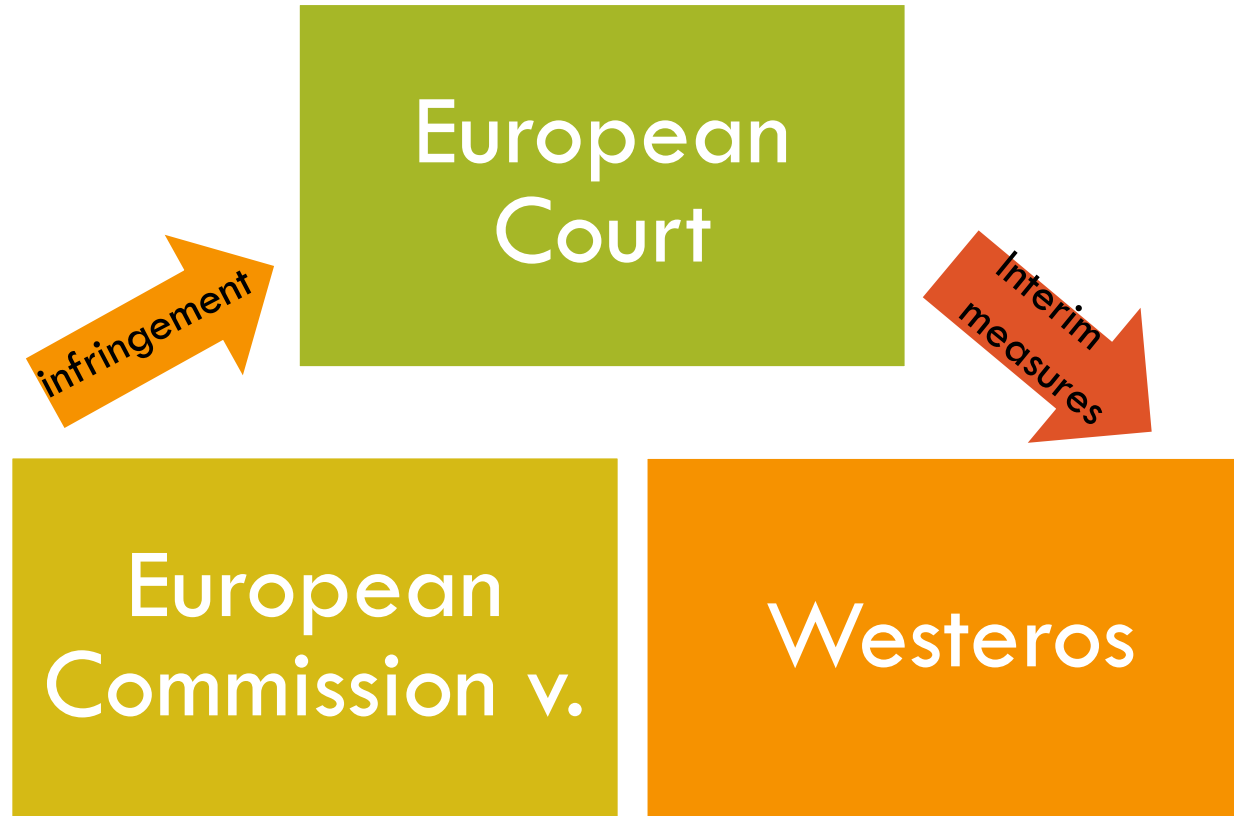
- Which environmental principles can be used by the European Court in this case?



Case 2

Facts of case 2

- EU Member State, Westeros, allows the partial logging of a forest, which belongs to a European protected area
- The European Commission opposes this and asks the European Court for interim measures to stop the logging, awaiting the final judgment of the Court



Assignment for group 2

- Which environmental principles can be used by the European Court to take interim measures to stop the logging activities?

Assignment

- For inspiration, you can look at the following cases (see materials in your course documentation):
 - ▣ Case 1:
 - Judgment of the Court, 10 October 2019 (preliminary ruling), Case C-674/17
 - ▣ Case 2:
 - Order of the Court, 20 November 2017 (Interim measures), Case C 441/17 R

Assignment

- You have 20 minutes to prepare your arguments (looking at the above mentioned cases as inspiration)
- Plenary discussion afterwards