Reading
The textbook is Kramer L., *EU Environmental Law* (8th ed), Sweet and Maxwell, Thomson Reuters, 2016. You may get the 7th edition if you consider it too expensive.

Compilations of leading EU environmental law cases, cases on habitats, EIA, waste and other topics are available on EUROLEX and TWEN. I will also refer you to some interesting articles.

There will be powerpoints on each topic.

A collection of notes I have made (and will be making) for classes will also be made available in June.

All cases referred to are easily available on the internet at [www.balii.org](http://www.balii.org) or Eurolex.

**We may not have time to cover all the topics below.**

Examination
The examination will be open book. You may consult anything you have prepared and the internet during the examination period. The examination will take the form of a hypothetical scenario which you will be expected to comment on.

*Introduction to EU Environmental Law*

A brief outline of what the EU is and how it makes and enforces laws.

Kramer, paras 2-01 to 2-47.

*Techniques for Environmental Management*

An overview of environmental regulatory systems will be available on TWEN

*Objectives of EU Environmental Law*

Kramer at paras 1-12- 1-19 & Material supplied.

*General Principles of EU Environmental Law*

Read

Kramer paras 1-20 to 1-37.

Material supplied

Questions to keep in mind as you read.
1. If the EU has harmonized the law on a particular topic, can a Member State (MS) apply stricter standards?
2. If the EU has harmonized the law on a particular topic and stated that in doing so it is applying the precautionary principle, can a MS apply a stricter version of the precautionary principle?
3. Is the precautionary principle binding on national courts?
4. Is the decision on the degree of acceptable risk one which the courts should take or is it a political decision?
5. What is the status of the Commission’s Guidance on the Precautionary Principle?
6. Can the polluter pays principle require that the polluter pay for preventive action?
7. Can the polluter pays principle require that the polluter pays for investigative action?
8. How is the polluter pays principle respected in the Liability Directive?


**Nature Conservation and Biodiversity**

*Please bring the text of the Habitats Directive to class with you or have it on your laptop*

Kramer paras 5-08- 5-25
Overview of EU Nature legislation and case law and materials referred to at http://ec.europa.eu/environment/nature/index_en.htm

**EU Biodiversity Strategy 2011 to 2020 and its six targets**


Directive 2009/147 on wild birds as amended.
Regulation on alien species

ps://www.ucc.ie/en/media/academic/law/events/lawandtheenvironmentconferencepapers2011/Article_6(3)_Appropriate_Assessment.pdf

**Site Designation Process**

Objective ecological criteria only to be used when designating sites: EC v Netherlands Case 3/96[1999] Env. Law Rev 47.

*All sites* must be designated: EC v Netherlands Case C-3/96.

Non-designated sites which should have been designated must be treated as if they were designated: EC v Spain Case C-335/90 [1993] ECR 1 – 4221.

Economic and social considerations irrelevant at designation stage in MS : EC v Germany Case 57/89 [1991] ECR 1 – 883

Economic and social considerations can be considered by the Commission, not MS: R v Secretary for State ex p First Corporate Shipping Case C-371-98, [2000] 1 ECR 1-9233.

*Selecting the boundaries of sites*
Court won’t determine boundaries: EC v France Case C-166/97 [1999] ECR 1 – 1719.
No omissions for economic reasons R v Secretary of State for the Env ex p.RSPB [1997] Env.LR 431;
Commission v Ireland Case C- 418/04 (Dublin Bay: integral parts of the entire wetland ecosystem cannot be omitted. Natural boundaries of wetland ecosystem to be used) Legislation transposing must be clear.
EC v Netherlands Case C-3/96 [1998] ECR 1-3031. Importance of expert evidence:

Art 6 obligations to protect sites
Duty to protect, maintain and restore: Commission v Ireland Case C -418/04
Art 6.1.
Appropriate management plans:
EC Commission v Ireland Case C-117/00 [2002] ECR1-5335; Commission v France Case C-166/97 [1999] ECR 1-1719 (inadequate or no management plans)

Art 6.2 Appropriate steps mandatory; EC Commission v Ireland Case C-117/000 [2002] ECR1-5335; Commission v France Case C- 374/98 [2000] ECR 1 1-1512
Stadt Papenburg case C-228/08 – Art 6.2 obligations may apply to on- going activities (on -going maintenance works of navigable channels)

What is a plan or project?
Case C-127/02 Landelijke Vereniging tot Behoud van de Waddenzee (cockle fishing a project ) [2004] ECR 1-7405, para 25.
R.(Akester) v DAFF [2010] EWCA 232 (Admin) bigger ferries going into a port a project .

See all examples of projects below under the EIA topic below
Plan
Commission v UK Case C-6/04 – plan includes land use plans
R (Boggis) v Natural England – plan does not include a mere designation for special controls .
R.(Akester) v DAFF [2010] EWCA 232 (Admin) Bigger ferries. In determining whether there was a plan or project for the purposes of the Directive, the question was whether the activity gave rise to a risk of adverse effects on the protected sites, whether directly or indirectly.
Case C-179/06 Commission v Italy a plan or project must be at more than a preliminary stage of administrative reflection to require SEA
Stadt Papenburg case C-228/08 – Art 6.3 obligations may apply to on going activities (maintenance works of navigable channels if not routine and envisaged when the project was first authorised could be a new project )

Art 6.3 Appropriate assessment:
Waddenzee Case C -127/02

3
All aspects to be assessed, best scientific knowledge, site specific, no scientific risk. Project widely defined. Duty to prohibit

Mitigation Measures and Compensatory Measures
Briel Case C- 521/12 If habitats will likely be damaged, measures to generate new wetlands are compensatory measures, not mitigatory measures.

What does “likely” mean?
Waddenzee Case C-127/07 “the mere probability that such effect attaches to that plan or project. There must be a probability or a risk that there will be a significant effect on the site concerned Art.2 and Annex 111
Sweetman v An Bord Pleanala [2010] IEHC 53
“.reasonable scientific doubt” cannot be equated with mere concerns expressed in opposition to the project. A hypothetical risk or a supposition unverified by scientific evidence cannot constitute such a reasonable scientific doubt.
See In Monsanto held: “no requirement for zero risk”.

What is the integrity of the site?
Sweetman v An Bord Pleanala High Court October 2009
Integrity test is different from the significant test. An effect may be significant and not affect the integrity. This follows from an interpretation of Art 6(3).
Commission v Ireland (Sweetman) Case C-258/11 at http://www.cieem.net/data/files/Resource_Library/Conferences/2013_Irish_Section_HabitatsSpecies/09_Alice_Whittaker.pdf

Art 6.4 Plans and projects affecting integrity may be allowed for reasons of overriding public importance (OPI) but only if:
(i) Absence of alternative solution: EC v Portugal C-239/04: by failing to examine a route that did not go through the SPA the Portuguese authorities had violated the provision of Art 6(4)
(ii) Compensation payable
(iii) Commission notified
OPI includes economic and social reasons but for priority sites the only reasons allowed are reasons of human health and public safety, beneficial consequences for the environment or if Commission agrees, other imperative reasons of overriding public interest.)
OPI actions must be within the framework of fundamental policies for the state and society or public service. Must be public benefit.

The actual assessment
Briel Case C- 521/12 “The assessment carried out under Article 6(3) of the Habitats Directive cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned (see, to that effect, Sweetman ... paragraph 44 and the case-law cited).”
Reasons for Decisions
Commission Guidelines says there should be reasons and reasoning for screening and appropriate assessment decisions. The decision maker must make clear, precise and definitive conclusions following a proper assessment.

Commission Enforcement
EC Commission v Austria Case C-209/02 (golf club in SPA)

Species Protection
Art 16. Derogations for public health and safety, OPI include social or economic reasons but compensatory measures required.

Questions
1. Are obligations under Art 6.1 and 6.3 different?
2. What are the obligations on Member States with respect to designation of SPA’s and SAC’s?
3. Has a Member State a complete discretion in deciding the boundaries of Spa’s, SAC’s?
4. What is an appropriate assessment?
5. When, if ever, can development be permitted on SPAs /SACs?
6. What are compensatory measures? Give examples.
7. What are the obligations on the national courts with respect to ensuring the application of EU law?
8. What is a plan or project?
9. Discuss the advantages and disadvantages of placing responsibility for wildlife protection with - National authorities Regional and local bodies Private persons and associations International bodies.
10. What economic incentives could be used to protect endangered species?
11. How can nature be protected outside designated areas?
12. What are the criteria for deciding reasons of “overriding public interest”?
12 Why were the French in default in Commission v France for not taking proactive measures? What measures might they have been expected to take?
15. When are the Community courts obliged to raise environmental law issues of their own motion?
16. What has been held to be “significant” disturbance of birds?
17. Are Member States free as to how they choose sites as potential SACs?
18. Hypothetical
Drogheda Port proposes extending its pier. This involves developing a small part of the foreshore. The area concerned was originally included in a proposed SAC but was removed after representations were made to the Minister for the Marine pointing out the complications that the designation would cause for future port development. The representations concerned emphasised the importance of the future development of the Port for the national economy. Comment on the difficulties facing the Port and the measures it might take to overcome them.
19. Ireland was pursued by the EC Commission because of failure to curb sheep overgrazing particularly in the west of Ireland, leading to serious damage to Ireland’s largest SPA, as well as the wider loss of the habitat of red grouse. How could the State take to meet the Commission’s concerns?

*Environmental Impact Assessment and Strategic Environmental Assessment*

*Please bring the text of the EIA Directive to class with you or have it on your laptop*

*My notes* Materials on EIA jurisprudence supplied.


Kramer, op.cit. at 4-28 to 4-35

Notes supplied


*When is EIA required?*


*WWF and ors. v Autonone Provinz Bozen and ors* [2000] ICMLR 149 Case C-435/97

*Commission v Italy* Case C- 87/02 (reasons for decisions)

Screening for EIA (i.e. checking to see if a project should be subject to EIA)

Bellway Urban Renewal Southern v Gillespie [2003] ENV LR 30 (mitigation measures can be taken into account if plainly established and uncontroversial. Must be known to work)

*Obligation to give Reasons*

*Failure to transpose properly*

Case C–66/06 Commission v. Ireland (exemption for agricultural activities)

*Direct effects of various articles*

It is now more or less accepted that Arts 1(1), 2(1), 4(2), 5 and 6 have direct effects. This means that they are binding in Member States even if the EU legislation is not transposed by them.

*Effects on third parties*
What is a development consent?


R v Secretary of State for the Environment, ex parte Greenpeace Ltd [1994] Env LR 401 (at BALII site) [1994] 4 All E.R. 352. (operating licence under Radioactive Substances Act 1993 not a consent where planning permission had been granted previously)


Multiple consents
Commission v Ireland (Sweetman) Must be cooperation in the assessment by multiple authorities if different aspects of a project permitted by different authorities.

What is a project?

What is likely?
Waddenzee Case C-127/07 “the mere probability that such effect attaches to that plan or project. There must be a probability or a risk that there will be a significant effect on the site concerned Art.2 and Annex 111
What are “Significant Effects on the Environment?”

R (Jones) v Mansfield DC [2003] EWHC 7 (rejection of precautionary approach)
(shredded tyres)

Not just Adverse Effects ! :
O’Nuallan v Dublin City Council [1999] IEHC 11 but note position for extensions and alterations

Effects of the process must be assessed

The environmental impacts to be considered include the effects of the process of the development: Gillespie per Pill L at [39] and R (Mortell) v Oldham MBC [2007] JPL 1679 per Sir Michael Harrison at [38].

Approval of elements of a Project –
O’Connor v Dublin Corporation ex parte Borg Developments Ltd [2000] IEHC 68
(matters of detail can be left over)
R v. LB Bromley exp Diane Barker (Case C–290/03): (EIA may be required again)
Dunne v Minister for Environment (new consent required for archeological findings – EIA not needed )

Retrospective EIA
Commission v. Ireland. Case C–215/06 (only allowed in exceptional circumstances and there must be deterrence)

Project splitting
Commission v Spain (Case C–227/01) [2004] E.C.R. I– 8253 (doubling railway track)
Ecologistas en Acción-CODA v Ayuntamiento de Madrid (motorway split)

Adequacy of EIS
Bozen (Bolzano Airport) C- 435/97
Linster (motorways)
Kent R v First Secretary of State (ex parte) Minosus [20005] EWHC 2953 para 76
(sufficiency of information supplied/standard of review )

Klohn v An Bord Pleanala :[2008] IEHC 111.

Cumulative Impacts
Commission v Ireland Case C-215/06 (windfarm + roads leading to it) .
Can mitigation measures be taken into account?
Gillespie v The First Secretary of State [2003] EWCA Civ 400 (Yes but must be modest in scope or plainly and easily achievable or plainly established and plainly uncontroversial or of limited impact or well established to be easily achievable with the development)

Leaving over mitigation decisions to third parties
Smith v Secretary of State for the Environment, Transport and the Regions [2003] 2 P&CR 162. (permissible if third parties are environmental authorities and mitigation measures governed in the permission)

Effective public participation
Commission v Ireland C – 216/06 (modest administrative fees for public participation in decision making permissible. Not a violation of Aarhus principles)

Note
International Convention on Transboundary Environmental Impact Assessment implemented by Directive 97/11/EC
International Convention on Public Participation and Access to justice in Environmental Matters 1998 (the Aarhus Convention
Directive 2001/42/EC (SEA) on certain plans and programmes on the environment.

Questions
1. May a Member State make a rule excluding all projects in a particular category from EIA?
2. What is the standard of deference to decisions on when to require EIA and decisions on the adequacy of information? Is this the correct standard?
3. How does the ECJ deal with the fact that innocent individuals and commercial entities are adversely affected when courts annul decisions granting them permissions because EU law has not been observed?
4. What public bodies must ensure that the EIA Directive is complied with?
5. Can an individual require a regulatory body to ensure compliance with the EIA Directive?
6. Is burning waste as a fuel a “project” for which EIA may be required?
7. What is the position of bodies with special expertise under the EIA Directive?
8. Can the Commission get involved in individual cases where the EIA directive has not been complied with?
9. What must a Member State do to remedy failures to require EIA?
10. How detailed must the information on the environment in EISs be?
11. In screening for EIA, is a competent authority entitled to take mitigation measures into account? In what circumstances?

Industrial Emissions
Read:
Overview: http://ec.europa.eu/environment/air/pollutants/stationary/index.htm

Directive 2008/1/EC on integrated pollution control
Please bring the text of the IED Directive to class with you or have it on your laptop
Kramer, op.cit. at 4-39 to 4.61
R v SSE ex p West Wiltshire DC [1996] Env LR 312 (renderers: operator must be able to comply with conditions)
Usk and District Residents Association Limited v The Environmental Protection Agency and Greenstar Holding Recycling [2006] IEHC 435
R on the application of Rockware Glass Ltd v Chester City Council [2006] EWCA Civ 992

Note other targeted emission controls
Directive 2001/80/EC on the limitation of emissions of certain pollutants into the air from large combustion plants
Directive 2000/76/EC on the incineration of waste
Directive 2004/42/EC on paints
Commission Decision 2000/479/EC on the implementation of a European Pollutant Register

Other cases
R v Environment Agency ex p Gibson and Leam [1999] Env LR 73R (Slfs; substantial changes)

Questions
1. What is BAT? Can ELV’s be stricter than recommended as BAT?
2. How compatible is BAT with the precautionary principle?
3. Is BAT required irrespective of whether the emission would cause a breach of an overall pollution limit?
4. What other principles of EU law does BAT seek to respect?
5. What does integrated pollution control mean?
6. What are the objectives of the Directive on integrated pollution control?
7. Have Member States a discretion to attach whatever standards they consider fit to integrated pollution control licences?
8. Will IED licences for similar plants be the same throughout the EU?
9. How is the principle of sustainable development respected in the IED Directive?
10. What are the public participations requirements for IED?
11. What is/should be the position of a regulatory authority informally requires information on an IED application from an applicant and does not make this publicly available?
12. Is the IED licensing process a consent procedure for the purposes of the EIA directive?
13. Are there provisions for commercial confidentiality in the IED Directive?
14. Reto Ltd proposes setting up a facility for the incineration of medical wastes in Dublin. Wastes are to be imported from the UK and NI. They
propos... Buslandian. The EPA consider that Reto will not be able to meet the ELVs in the BREF document for the incineration of wastes and consider that BAT for clinical wastes consists of microwaving it in a microwave process used in the USA. Reto consider that the US technology would cost five times more to buy and operate than the Buslandian one and they object that the ELVs in the BAT notes are stricter than those in the existing Incineration Directive although they are the same in a proposed amendment to that Directive. They also consider that the choice of technology used in none of the EPA’s business. Comment

Assume that an IED licence is granted. One of the conditions in the licence requires Reto to ensure that all clinical wastes are properly packaged and labelled in a newly invented plasticide. Reto think this is unworkable and that they will be liable for any pollution caused as a result of the unsuitable packaging although they have no control over this because the waste supplied to them is actually packaged by the hospitals and medical centres which supply the waste. Comment.

Industry A has an IED licence. Its emissions to water result in the waters to which they are discharged not complying with the standards for water prescribed in Directive 2008/115/EC on water quality standards for seroxins and emission standards for industrial plants discharging seroxins. It is considering applying for a revised licence. Securing compliance with the Directive will involve an investment of over 10 million in new plant and equipment and Industry A cannot afford this in the short term but can afford it over the next 4 years. Is there any scope for the competent authority to grant a licence on condition that Industry A puts in place a programme to meet the emission standards by 2015?

Waste
Summaries of ECJ cases on the definition of waste are at http://www.defra.gov.uk/environment/waste/topics/documents/ECJCaseLaw20090209.pdf
Please bring the text of the Waste Directive to class with you or have it on your laptop

Directive 2008/98/EC on waste(WFD)
Basel Convention on the Control of Transboundary Movements of Waste
Regulation 1013/2006 on the supervision and control of shipments of waste within, into and out of the EC. See graphic at http://www.bipro.de/waste-events/ship/eu-lex.htm


11
Commission v Ireland Case C-494/01 persistent failure to transpose
Commission v Italy Case C – 135/05 “A new dawn for Commission enforcement under Articles 226 and 228 EC: General and persistent (gap) infringements, lump sums and penalty payments”

Trade issues
Dusseldorp Case C-203/96 {1998] ECR 1- 4075 (proximity and self sufficiency principles)
Sydhavnenrs Case C -209/98 [2000] ECR 1-3754 (environmental protection cannot justify export ban on waste for recovery)

Extended Polluter /Producer responsibility for waste
Van der Walle Case C-1/03
Commune de Mesquer v Total Case C-188/07

The Definition of Waste
Summaries of ECJ cases are at
Cases C-416/02 Commission v Spain and C-121/03

Purposive definition (turns on meaning of discard)
Environment Wallonie v Regione Wallone C-126/96
Arco Chemie Case C -418/97
Van Der Walle Case C-1/03
Commune de Mesquer v Total Case C-188/07

Byproducts or wastes?
Directive 2008/98/EC, article 5
Italian case: C-195/05. C – 194/05, C -263/05,
KVZ retec (MBM case) Case C -176 /05
Commission guidance document

If certain to be advantageously reused not waste
Palin Oy C-9/00
Criminal Proceedings v Marco Antoinio Saetti C -235/02

Proper controls over use
Commission v Spain C-157/04

Energy Generation or waste Incineration?
Cf Commission v Germany C -228/00
Commission v Luxembourg C -458/02

End of waste
Directive 2008/98/EC, article 6
Arco and Epon [2000] ECR 1 –4475
KVZ retec (MBM case) Case C -176 /05
Guidance from EU

Directives on landfill and Incineration
Commission v Italy C -135/05
Commission v France C -423/05

Exporting and Importing Wastes

Exporting and Importing Wastes
Regulation 1013/2006 on the supervision and control of shipments of waste within, into and out of the EC, OJ L30/1.
Commission v Belgium Case C-2/90 [1992] ECR 1-4431 (waste subject to rules on free movement of goods)
Chemische Afvalstoffen Dusseldorp v Minister van Volkshuisvesting Case C-203/96 (Export ban illegal- proximity principle v free movement)
Sydhavnens Case C -209/98 [2000] ECR 1-3754 (environmental protection cannot justify export ban on waste for recovery)

Points for discussion
1. What do the concepts of proportionality and subsidiarity, non-discrimination, goods, and proximity mean for waste?
2. Can the UK ban the import of Irish hazardous wastes?
3. What is (a) waste (b) hazardous waste?
4. Are Member States free to categorise a waste as a hazardous waste even if the EU does not so classify it?
5. What measures are prescribed in the Landfill directive to discourage waste?
6. How is/could the polluter pays principle be implemented in waste law?
7. A pharmaceutical manufacturer currently sends the residues of some of his processes for incineration abroad. He has recently discovered that these can be burned as a fuel in specially designed boilers thereby saving him over 50% of his annual heavy fuel oil bill.
The residues have properties which would render them hazardous if they were wastes. The EPA is of the opinion that the residues are hazardous wastes and that using them as fuel in a boiler would constitute the incineration of hazardous wastes, an activity which is regulated under EC Directive on incineration. The construction of such an incinerator would cost the pharmaceutical manufacturer $20,000,000 and complicate his relationship with the local community. Try and convince the EPA that burning the residues in the boiler is not the incineration of hazardous wastes.
8. Could an EU member state confer a monopoly on a waste enterprise to dispose of a particular type of waste that is currently exported and prohibit the export of this waste?
9. How does the Landfill directive aim to reduce the amount of waste?
10. What allowances have been made for existing waste facilities in the Landfill Directive?
11. Could an Irish court rely on the precautionary principle to justify refusing permission for a waste-to-energy incinerator which satisfied the requirements of the Directive on the incineration of wastes?

**Climate Change**

*Kramer at paras 9.01 to 9.30*

EU Climate Change Programme [http://ec.europa.eu/environment/climat/eccpii.htm](http://ec.europa.eu/environment/climat/eccpii.htm)


Commentary at [http://www.comharsdc.ie/](http://www.comharsdc.ie/)

Summary material supplied


**Public Participation, Access to Justice, Access to Information**

Read *Kramer at paras 4.01 to 4.19*

Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters

Directive 2003/4/EC on access to information on the environment

Directive 2003/35/EC on public participation in plans and programmes

*Please bring the text of Directive 2003/35 to class with you or have it on your laptop*

Commission v Ireland Case C – 216/06 (modest administrative fees permissible)

Paper on Implementation of Aarhus in the EU supplied.

Case C-263/08, *Djurgården-Lilla Värtans Miljöskyddsförening v Stockholms kommun genom dess marknämnd* (limitation of NGO standing to NGOs with 2000 + members unacceptable)

Case C- 552/07 Azelvandre held Member State cannot invoke an exception in Directive 2003/4/EC to refuse access to information which should be in the public domain under Directives 90/220/EEC and 2001/18/EC on GMOs

**LIABILITIES FOR ENVIRONMENTAL DAMAGE**

*Directive 2003/on environmental liability with regard to the prevention and remedying of environmental damage.*


Materials supplied.

Note Activities Covered

Types of damage covered – in EC law. Cf with your own national system
Exclusion of matters covered by international liability regimes
Diffuse pollution
Who would be liable?
Role of Regulatory authorities – their powers and their duties. Are they obliged to clean up if the polluter will not or in urgent cases?
Role of private individuals and special entities.
Nature of Liability – what can someone be liable for? Is damage to commercial interests covered? Or only damage to the environment? How is damage caused by air pollution, odours, noise covered if at all?
Exceptions/defences
Past Damage?
Preventive measures. What are they? Who has to take them?
Requiring Restoration. What is restoration? Who can decide what it should comprise?
What is the standard of restoration to be achieved? Does the competent authority have to carry out the restoration if nobody else can be made liable to do so or in emergencies?
Financial security- what can it consist of? Is it compulsory?

Cases
C-378/08, **ERG and others v. Ministero dello Sviluppo Economico** Member State may establish what can only be described as a weak causal link between an operator’s activities and diffuse pollution for a competent authority to require the operator to clean up the pollution
**ERG and others v. Ministero dello Sviluppo Economico** (Cases C-378/08, C-379/08 and C-380/08), a Member State may establish a rebuttable presumption of responsibility for environmental damage if plausible evidence exists to link an operator’s activities to diffuse pollution, that is, pollution caused by many operators. The ECJ also concluded, that the ELD applies to environmental damage caused by an emission, event or incident that occurs after 30 April, 2007 even if the damage results from activities carried out after that date or activities carried out before that date, but which had not finished by, that date

Human Rights and the Environment

Implementation and Enforcement of EU Environmental Law
Paper circulated.
on individual and NGO rights before the ECJ
Power v An Bord Pleanala [2006] IEHC 454 (an example of enforcement at Member State level)
Questions
Who can enforce EU law? How effective is it?
Can an NGO sue a local authority for not complying with EU in the ECJ?
How does the Commission enforce environmental directives?
What sanctions are available against Member States who do not implement environmental directives?
What can an individual do to ensure that EU environmental law is enforced?
What provisions in environmental directives are likely to be directly effective?
What is justification for permitting wide locus standi to NGO’s and individuals to enforce environmental laws?
How could the enforcement of EU environmental law be improved?
Why is citizen participation in environmental decision-making encouraged?
What are the locus standi requirements to participate in environmental decision-making?
Must an EU directive be transposed word for word?

Appendix
Major EU Legislation
http://ec.europa.eu/environment/nature/index_en.htm
Directive 2001/42/EC (SEA) on certain plans and programmes on the environment, available at:
Directive 2010/75/EU on industrial emissions at
Commission Decision 2000/479/EC on the implementation of a European Pollutant, available at:
EU Climate Change Programme  [http://ec.europa.eu/environment/climat/eccpii.htm](http://ec.europa.eu/environment/climat/eccpii.htm)
List of legislation : at
Aarhus Convention on Access to Information, public Participation in Decision-Making and Access to Justice in Environmental Matters, available at:

Directive 2003/35/EC on public participation in plans and programmes, available at: