

Workshop

Meeting European Commission and Academia

The preliminary reference procedure as a compliance mechanism of EU environmental law
Brussels, Friday 17 June 2016, 13.00-18.30

Organized by *Lorenzo Squintani* (University of Groningen) and *Moritz Reese* (Helmholtz Centre for Environmental Research)

CALL FOR PAPERS

In order to strengthen the working relationship between Academia and the European Commission in the field of environmental protection, the **European Environmental Law Forum (EELF)** is organizing a workshop focusing on the functioning of the preliminary ruling procedure as an important compliance mechanism.

From the very beginning, the effectiveness of EU law has benefited from the preliminary ruling procedure. This is particularly important in the field of EU environmental law, as the environment has no voice of its own. Private parties and ENGOs play indeed an important role in the enforcement of EU environmental acquis. As well known, the 'indirect enforcement' of EU environmental law complements and facilitates DG Environment's task of guiding interpretation and ensuring compliance with the EU environmental acquis.

In the last years, the preliminary ruling procedure has gained importance also from the perspective of enhancing the European Union's compliance with the Aarhus Convention. To this extent, the *Vereniging Milieudéfensie* (C-401/12) and *Stichting Natuur en Milieu* (C-165/09) cases showed that in the actual state of development of EU law, Article 267 TFEU is used by the Court of Justice to integrate the legality review procedure under 263 TFEU and thereby implement the Aarhus Convention.

Despite the pivotal function that Article 267 TFEU plays as regards compliance with international and European environmental standards and the uniform interpretation of the latter, very little research is available on the functioning and optimal use of the preliminary ruling procedure as a compliance mechanism.

This workshop aims to initiate a more intensive debate on this matter. The **EELF** welcomes papers on one or more of the discussion topics mentioned below. On the basis of abstracts, *three* papers will be selected to be presented during the workshop alongside the presentations by Prof. Luc Lavrysen and by Officials from the Commission.

Indicative list of possible discussion topics:

1. The relationship between Article 258 TFEU and Article 267 TFEU in ensuring compliance with EU environmental standards.
2. Whether, when and how to formulate preliminary references, including the relationship between the *CILFIT* rule and the functioning of the preliminary reference mechanism;
3. National court's practices and critical cases involving the use or failure to use the preliminary reference procedure, and follow-up practice of referring court after the ECJ's judgment;
4. ECJ's answers: clarity, completeness and tone of the answers;
5. Ex officio assessment in light of EU law by the national court (e.g. *Krizan*) and by the Court of Justice (e.g. *E.ON Földgáz Trade*);
6. The linkage between preliminary questions and the quality of the EU environmental acquis;
7. The relationship between the network of national judges (EUFJE) and the functioning of Article 267 TFEU;
8. The role of Article 267 TFEU in ensuring the respect of the rule of law, in particular in the field covered by the Aarhus Convention;

Procedure

To participate in the call, send an abstract of no more than 600 words to Lorenzo Squintani (L.squintani@rug.nl). The deadline to send the abstracts is **15 January 2016**. The outcome of the selection procedure will be communicated at the beginning of February. Abstracts will be selected on the basis of academic standards, in particular originality, methodology, and relevance. If selected, draft papers (no more than 14.000 words) are due by 1 May 2016.