

Impact assessments and public participation: new horizons proposed by the CJEU?

- 28 A 2020

Presiding Judge, Administrative Court of Lyon

Member of the Aarhus Convention Compliance Committee

Environmental democracy and EU law

- ! Environmental democracy (access to information, public participation and access to justice in decision-making related to environment) is essential in EU environmental law
- ! Several key pieces of EU legislation :

EU case C-24/19 25 June 2020

- ! Non-legislative regulatory act on technical requirements for windmills in Belgium (Flanders)
- ! Government Order at stake
- ! This act is covered by Directive 2001/42/EC (Plans and programmes)
- ! Need of environmental assessment.

Perspectives

- ! The Court pushes for broad interpretation of concepts in Environmental Democracy
- ! Justification : procedural rights, precautionary principle "It is not bad to know more on environmental consequences and to involve public in decision-making."
- ! Interesting issues on boundaries between public participation principle and executive and legislative powers