

# ECJ Case Studies

Ismini KYRIAZOPOULOU

Ljubljana, 15.06.2016

## **C-392/96, Commission v Ireland**

<http://curia.europa.eu/juris/liste.jsf?language=en&num=C-392/96>

## **C-404/09, Commission v. Spain**

<http://curia.europa.eu/juris/liste.jsf?language=en&num=C-404/09>

## **C-275/09, Brussels Hoofdstedelijk Gewest and Others**

<http://curia.europa.eu/juris/liste.jsf?language=en&num=C-275/09>

## **C-142/07, Ecologistas en Acción CODA**

<http://curia.europa.eu/juris/liste.jsf?language=en&num=c-142/07>

## **C-133/94, Commission v Belgium**

<http://curia.europa.eu/juris/liste.jsf?language=en&jur=C,T,F&num=C-133/94&td=ALL>

## **C-301/95 Commission v Germany**

<http://curia.europa.eu/juris/liste.jsf?language=en&jur=C,T,F&num=C-301/95&td=ALL>

- The European Commission brought an action against Spain regarding the 'Alto Sil' site.
- In 1998, the Kingdom of Spain proposed that site as an SCI under Article 4(1) of the Habitats Directive, later also as a SPA under the Birds Directive. In 2004, the Commission, by Decision 2004/813/EC, included 'Alto Sil' as a site of Community importance for the Atlantic biogeographical region. The vulnerability of the site was essentially due to several open-cast mining projects in the region.
- The Commission was of the opinion that the Spanish authorities failed to fulfill their obligations under Directive 85/337, as amended, and under the Habitats Directive:

The EIAs did not give sufficient consideration to the possible disturbances caused to the brown bear and the cumulative effects of the mining were not sufficiently taken into account.

*“..... 78. The scope of that obligation to assess impacts on the environment follows from the provision contained in Article 3 of Directive 85/337 as amended, according to which the environmental impact assessment is to identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 11 of that directive, the direct and indirect effects of a project on human beings, fauna and flora, soil, water, air, climate and the landscape, material assets and the cultural heritage, and the interaction between those factors.....”*

*“80.....where the assessment of the environmental impacts must, in particular, identify, describe and assess in an appropriate manner the indirect effects of a project, that assessment must also include an analysis of the cumulative effects on the environment which that project may produce if considered jointly with other projects, in so far as such an analysis is necessary in order to ensure that the assessment covers examination of all the notable impacts on the environment of the project in question.....”*