

Workshop in Santa Cruz de Tenerife on 10 – 12 November 2016

Report

The annual workshop on environmental law was dedicated to „Water protection and EU water legislation“. The choice of the venue fell to Santa Cruz de Tenerife where a working group member (Jorge Siestra Sierra) who volunteered to organise the event at the spot, is a judge at the local Administrative Court. The event was supported by various Spanish authorities and an association of judges of the hosting country.

The workshop was attended by 24 AEAJ members, coming from 12 countries (Austria, Belgium, Estonia, Germany, Finland, Greece, Italy, Latvia, Lithuania, Luxembourg, Spain, Sweden). Furthermore, Spanish colleagues from local authorities followed the presentations and discussions due to a simultaneous interpretation. Unfortunately, two AEAJ speakers had to withdraw their registration. But we could find external experts who took over their part.

Water supply and water protection is a major challenge in the Canary Islands in view of the geographical and morphological situation there. Desalination is necessary for assured water supply for human consumption. In the course of the workshop we had the opportunity to visit a desalination plant.

In the field of environmental law water protection has, in general, the longest tradition. But this matter is nevertheless dominated by EU legislation. In the daily work with water cases the EU law background does normally not play a significant role. But the situation may be differently if major infrastructure projects are at stake. Although these cases are not frequent the judge must be prepared for. We were very grateful that we could attract 5 specialists, namely a member of the EU Commission (DG Environment) and 4 academics, who acted as speakers.

The workshop was opened with an address by a judge from the Supreme Court of Spain (Rafael Fernández Valverde) who described the practical problems which are partly linked with the federal structure of the Spanish State.

The Commissions' speaker (Daniel Gomez Fernandez) gave an overview on the development of water management law and the EU policies in this matter. Then Tiina Palotti, doctoral candidate at the University of Helsinki, who is preparing a thesis on the matter concerned, explained to us the Water Framework Directive (WFD) from an academic point of view. The next speaker (Mariolina Eliantonio, Assistant Professor at the University of Maastricht) was dealing with Guidance Documents stemming from the WFD. She focussed on the legal value of these documents and presented the results of a survey among administrative judges, in particular members of the AEAJ working - group Environmental Law. At the end of the first day Matthias Keller (Administrative Court of Aachen) presented a case study to be discussed in subgroups. The case referred to the “Weser” judgment (from 1 July 2015, C- 461/13). The speaker's solution was unexpected and led to a vivid discussion on the consequences of non compliance of national law with EU law.

The next day, the session began with a slide - connected lecture of Professor em. Erkki Hollo, called “Father of the Finnish Environmental Law”. He addressed the subject “Water management and Economic Interests” in a wider context. Then our honorary working - group member Professor Noriko Okubo from the University of Osaka demonstrated in which way Japan is going to tackle a variety of water disasters by which her country is frequently stricken. At the end of the Friday session working - group co-chairman Anders Bengtsson (Land and Environment Court of Växjö, Sweden) was summing up the answers to a questionnaire which was disseminated in preparation of the workshop. In the course of the presentation participants gave supplementary comments.

The social and touristic benefit of such an event is to be mentioned in this report as well. Our Spanish organiser and supporting institutions have cared for a wonderful touristic programme which ended with a visit of the Teide National Parc, recognized as World Heritage by UNESCO.

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