

**When Aarhus meets with
the Principle of legal
protection in EU law ...**

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Wolf Controversies

- ***Strict protection under Bern Convention and EUs Habitats Directive...***
- ***Re-established in Scandinavia, around 350 animals today, fierce conflicts...***





Swedish Wolf Hunt

- **2010 & 2011; license hunt, no ENGO standing...**
- **2012; EU Commission's action = No hunt...**
- **2013; License hunt, but standing according to Slovak Brown Bear (C-240/09), decision quashed...**
- **2014; quashed again...**



The "Appeals Ban"

- 2015; From regional level to SEPA, but no further. Article 9.3 AC; "administrative procedures", ENGOs appealed to court...

HFD 2015-12-18 in case No 312-15

- Legal principles of Union law includes **legal protection in court**; Art 4(3) & Art 19(1) 2nd para TEU, Art 47 European Charter...
- C-240/09 & C-115/09:....**to the fullest extent possible** to allow **ENGO standing**, but here **NOT...**



HFD about the P of legal protection

- Principle of “**useful effect**” (effet utile”) means that a **court** must have the **possibility to check** whether a national authority has acted according to **clear and unconditional obligations** according to a directive and – if not – **can disapply** conflicting national rules (C-127/02 p 66, C-263/08 p 45)...
- Thus have **ENGOS “rights”** according to the **Habitats Directive**, which **must enjoy judicial protection**...
- ...in a **court** according to **Article 267 TFEU**...



....and finally...

THANK YOU FOR LISTENING..!

<http://www.unece.org/env/pp/tfaj/jurisprudenceplatform.html>

