

## FACTSHEET CJEU C-664/15

On December 20<sup>th</sup> 2017 the Court of Justice of the European Union (CJEU) delivered its ruling on the question of legal standing of NGOs in cases connected to the Water Framework Directive. Following the ruling of last year (CJEU November 8<sup>th</sup> 2016 C-243/15), the court elaborated on Article 9 paragraphs 2 and 3 of the Aarhus Convention. In Austrian law, NGOs do not have legal standing or the right to challenge decisions relating to the environment at the moment. The CJEU says:

1. Recognised environmental NGOs have to be granted *access to justice* when it comes to environmental law of the European Union. That means that they now have the **right to challenge decisions made under Article 4 of the Water Framework directive**.
2. In Austria, the right to challenge a decision is intrinsically tied to being a party to the proceedings before the public authority. Therefore, the CJEU ruled that **Austria is required to give legal standing to environmental NGOs** to enable them to have access to justice.
3. In proceedings with potentially *significant impacts on the environment* (probably including Art 4 par 7 of the Water Framework Directive), the CJEU points to the case of C-243/15, this means the **requirement for legal standing for environmental NGOs** in those cases.
4. **This ruling only affects cases relating to environmental law of the European Union**. It also states the requirement for a potential degrading in water quality according to Article 4 of the Water Framework directive. In its earlier ruling of C-461/13 ("Weser"), the CJEU tightened the definition of deterioration of water quality.
5. The CJEU ruled in a **case concerning only the Water Framework Directive**, with several points to the ruling of C-243/15, which covers nature protection law under the Habitats directive. Nevertheless, the ruling could probably applied to other environmental protection law of the EU, like air quality protection, waste management and such.
6. The ruling does not require a legal implementation, but is applicable immediately in the whole EU. However, a change in laws might be useful to cover practical aspects of procedural law such as invitations, notifications and so on.