



**Natura 2000 et le juge/Natura 2000 and the judge:
Aperçu en Belgique et dans l'Union
européenne/Situation in Belgium and in the EU
(French Edition)**

Charles-Hubert Born, Francis Haumont

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S'inscrivant dans le cadre des activités de l'Observatoire juridique Natura 2000, le thème du présent ouvrage porte sur les questions juridiques que soulève l'application par le juge national – constitutionnel, administratif et judiciaire – des dispositions relatives à Natura 2000, en vue d'évaluer la contribution du juge à l'effectivité de ces dernières.

Corps de règles complexe, technique, faisant appel à des concepts scientifiques ardues à interpréter pour un non-scientifique, le régime Natura 2000 n'est guère aisé à appliquer pour un juge non spécialisé. Le recours à l'expertise est souvent indispensable pour déterminer dans quelle mesure tel ou tel standard – par exemple le caractère « significatif » d'un impact – a été respecté ou non. Pour cette raison, les solutions trouvées par le juge aux différents problèmes que pose l'application du régime Natura 2000 dans les différents États membres méritent l'attention et sera enrichissante tant pour le chercheur que pour le praticien.

As part of the activities of the Legal Observatory Natura 2000, this book focuses on legal issues arising from the implementation by the national courts – constitutional, administrative and judicial ones – of the provisions relating to Natura 2000, in order to assess the contribution of the judge to the effectiveness of this regime.

The enforcement of this legislation, which encompasses a complex body of technical rules, grounded on scientific concepts difficult to interpret for a non-scientist, is not easy to apply by a non-specialized judge. The use of expertise is essential to determine how a particular standard – for example the «significant» character of an impact – has been met or not. For this reason, the solutions found by the judge to the various problems arising from the application of the Natura 2000 provisions in the different Member States deserve attention and will be rewarding for both researchers and practitioners.

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