



EU FORUM OF JUDGES FOR THE ENVIRONMENT
UE FORUM DES JUGES POUR L'ENVIRONNEMENT

Annual report 2019

1. Annual Conference – Helsinki - 13 and 14 September 2019

The 2019 Conference of the Forum was held in Helsinki (Finland) on 13 and 14 September 2019. The theme of the conference was "The use of scientific evidence in environmental adjudication". The program, the questionnaire, the national and general reports, the presentations and other relevant documentation can be found on our website:

https://eufje.org/index.php?option=com_content&view=article&id=39&Itemid=226&lang=en

2. EU - Support for Cooperation with National Judges in the Field of Environmental Law

EUFJE participated in the Steering Committee in the by DG Environment sponsored project "Support for Cooperation with National Judges in the Field of Environmental Law" that is executed from 2013 on by the Academy of European Law (ERA) in Trier.

From 4-6 March 2019 ERA organized a workshop for judges on the EU Aarhus Acquis - Focus on Access to Justice in environmental matters in Prague.

3. UNECE - Aarhus Convention – Task Force on Access to Justice

Luc Lavrysen, president of EUFJE, chaired the Judicial Colloquium "SDG16: Role of the Judiciary in Promoting the Rule of Law in Environmental Matters" convened by the United Nations Economic Commission for Europe in Geneva, Palais des Nations (Salle VII), from 27-28 February 2019.

The objective of the Colloquium was to strengthen capacity of the judiciary to effectively handle cases related to environmental matters and to apply constitutionally-entrenched environmental rights, thereby supporting attainment of target 16.3 of Sustainable Development Goal 16 on promoting the rule of law at the national and international levels and ensuring equal access to justice for all, that will undergo in-depth review in 2019.

In general, EUFJE is involved in the running activities of the Task Force: analytical studies on different aspects of the implementation of the Aarhus Convention, developing best practices, further development of the database on Aarhus case law, preparation of training workshops....

4. UN Environment/IUCN/GJIE

EUFJE is represented in the Governing Council of the Global Judicial Institute on the Environment (GJIE, UN Environment) and involved in the negotiations concerning the Global Pact for the Environment. EUFJE participated in the First Working Meeting of the interim governing council of GJIE on 19 January 2019 at the UN Environment headquarters in Nairobi. GJIE provides a platform for judicial capacity-building and education programs aiming to improve the administration and resolution of environmental cases. The Institute has launched a membership application procedure, established a secretariat supported by the United Nations Environment Programme and undertaken a number of activities at the global and regional levels in cooperation with partner organizations and preparatory work for launching a portal with

resource material for the judiciary.

5. EU Environmental Compliance and Governance Forum

The Forum is participating in the Environmental Compliance and Governance Forum, a group of experts established by the European Commission in 2018 in the framework of the Action Plan on Environmental Compliance Assurance.

EUFJE was represented and delivered presentations at various sessions of the ECA Forum in 2019.

EUFJE members took part in the series of workshops and the drafting process, which resulted in the Guidance documents on Complaint handling (Action 7) and on Combating Environmental Crime (Action 4).

EUFJE attended the workshops on Developing an Assessment Framework on Environmental governance in the EU Member States (Action 9) and the workshop on fostering the uptake of Copernicus as a source of Geospatial Intelligence (Action 8).

On 27th November 2019, EUFJE attended a meeting on the future cooperation between DG Environment and the networks (IMPEL, ENPE, EnviCrimeNet) in the next phase of the ECA Action Plan.

6. Strengthened cooperation with other enforcement networks

Cooperation with the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL)

In 2019 cooperation with IMPEL was intensified. IMPEL provided support for the organisation of our annual conference. Via IMPEL, EUFJE could count on the support of a part time force for running its secretariat.

EUFJE participated in the SPIDERWEB / IMPEL Strategic Project to Increase the Detection and Disruption of Environmental Crime in the Western Balkans and formulated recommendations with respect to the functioning of the courts.

EUFJE delivered presentations during the IMPEL Annual Waste and TFS conference in Romania and the WasteForce Training in Portugal.

EUFJE is represented in the High-Level Advisory Board of the WasteForce project.

Cooperation with the European Network of Prosecutors for the Environment (ENPE)

EUFJE is a partner in the 5-year LIFE project to develop the network and to undertake a programme of support for the operative work of prosecutors. The project wants to improve compliance with EU Environmental Law by addressing uneven and incomplete implementation across Member States through improvements to the efficiency and effectiveness of prosecutors and judges in combating environmental crime.

Working Group 4 – Sanctioning, Prosecution & Judicial Practice looks at ongoing practical issues around enforcement of the Environmental Crime Directive, and how best to tackle these through capacity building and other means. This WG is chaired by EUFJE in the person of Dr. Carole Billiet. The working group has published various interim reports and the final report is forthcoming.

The LIFE-ENPE Project Board is meeting 4 times a year in Brussels or during a Network Conference. EUFJE participated in the ENPE board meetings and the Annual Conference at Eurojust in the Hague from the 28-30 October 2019.

Cooperation with EnviCrimeNet (network of police officers focusing on environmental crime)

EUFJE is supporting the new EnviCrimeNet project "Ambitus", more specifically the organization of trainings for judges and prosecutors regarding forfeiture of illegal crime benefits.

4 Networks press release on environmental enforcement

On the occasion of the adoption by the EU Council of Ministers of Justice on 3 December 2019 of the GENVAL-report on environmental enforcement in the Member States, the 4 Networks released a joint statement in which they call on EU institutions and Member States to support the effective enforcement of environmental rules and to better protect the environment.

4 Networks conference on organized environmental crime in 2020

Building upon the 2016 EU Environmental Crime Enforcement Network conference in Utrecht and the 2017 successful Networks Conference 'Tackling Waste and Wildlife Crime in Europe' held in Oxford, IMPEL, EUFJE, ENPE and EnviCrimeNet are planning another 4 Networks Conference for the Autumn of 2020.

The objective is to emphasize that police, inspection, prosecution and the courts are part of one enforcement chain and can form a "fist" against environmental crime. The theme will be "organised environmental crime" because this is transversal and relevant to all actors.

BIOVAL project on evaluation of ecological damage

In 2019, EUFJE, ENPE, IMPEL, KU Leuven and Lancaster University started a new joint project on the evaluation of ecological damage. Initially, the scope will be limited to the valuation of wild fauna / vertebrates.

We want to create a method that will be supported by users, because it was created following an objective, transparent process, involving e.g. scientists, judges, prosecutors, inspectors, police, academics, economists (multidisciplinary character). The instrument will not be legally binding.

The instrument could help inspectors, police, prosecutors, judges, experts to better understand what the impact is of the loss of a species. This could improve the quality of official reports, prosecutions and judgments. The networks will publish, disseminate and organise trainings on the instrument.

During a first workshop in September 2019, different EU price list systems have been examined.

In Spring 2020 a questionnaire will be sent out to all members of the EUFJE, ENPE, IMPEL and EnviCrimeNet networks to gather information about the systems in as many Member States as possible. The answers will be analysed and discussed during a new workshop in 2020.

7. Membership

EUFJE Membership is open to all EU and European Free Trade Association judges and to judges of candidate (or former) Member States. Judges from third states may be accepted as associated members. We try to attract administrative, criminal, civil judges at all levels of the judiciary, experienced (or interested) in handling environmental cases.

In 2018 and 2019, EUFJE actively attracted new members and activated dormant members.

As a result, in the course of 2018 and 2019, membership of EUFJE increased with 19 new corresponding members (from Belgium, Bulgaria, Finland, Malta, The Netherlands, Spain, Portugal, Ukraine, Iceland, Sweden, Germany and the European Chemicals Agency), 6 honorary members (i.e. retired judges: Italy, Finland, Denmark, France, Sweden), 2 observing members (from candidate member states: Serbia) and 6 associated members (i.e. judges from third states: India, Australia, Ukraine and Kazakhstan).

On 14 September 2019 the EUFJE General Assembly approved an amendment of the bylaws of EUFJE to bring the articles of association in line with the new Belgian Companies and Associations Code of 29 March 2019 and to allow court organizations to become members of the EUFJE (cf. supra).

Before this modification EUFJE members were individual judges, not institutions. In November 2019, the Supreme Court of Cyprus was the first court to become a member of EUFJE.

EUFJE currently has 87 members, 12 associated members, 10 honorary members and 6 observers in 40 different countries.

8. Other activities in 2019

EUFJE contributed to the evaluation of the EU Action Plan against Wildlife Trafficking and of the Environmental Crime Directive through surveys and interviews organised by the European Commission.

Upon request, EUFJE members gave trainings and presentations at various locations (BRIG Meeting of Heads of EPA's, Dublin; Belgian Judicial Training Institute; European Economic and Social Committee; OSCE Seminar in Kazakhstan; Sångå-Såby Conference on environmental crime for Swedish prosecutors; Global Law Conference on Arbitration and Environment, Chandigarh University, India; COP25 Madrid).

EUFJE participated in the European Judicial Training Network (EJTN) stakeholder meetings on European Judicial Training.

EUFJE participated in the Joint Meeting of the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds (Bern SFPs Network) and the CMS Intergovernmental Task Force on the Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean (MIKT) in Rome in 2019.

9. Financial situation

Since 2004, mainly volunteers have carried EUFJE. EUFJE has no own resources or membership income. Introducing membership fees might be dissuasive.

In the past, EUFJE operated with grants from the European Commission, DG Environment and from the Belgian Federal Environmental Agency (we did not receive the grant in 2018).

To be able to support our judges to contribute to the above mentioned activities and continue the cooperation with other enforcement networks, EUFJE needs more structural aid from the European Commission. Unfortunately, EUFJE cannot provide for the necessary financial guarantees in order to enter into a framework partnership agreement.

In order to meet co-financing requirements, EUFJE also needs - whichever - support from the Member States. In this respect, the grant from the Belgian Federal Environmental Agency is of utmost importance.

In 2019 EUFJE asked its members to raise funds at the national level (e.g. with Ministries of Environment, Ministries of Justice, training institutes). Model "fund raising" letters explaining the activities of EUFJE and the need for funds were distributed. Finally, grant application letters were sent to the Ministries of Environment and Justice, to court administrations or national training institutes in 12 different Member States, without much success.