



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

ANNUAL REPORT 2021

1. EUFJE Annual Conference 17-18 September 2021



EUFJE organized its 18th annual conference (online) on Friday 17 and Saturday 18 September 2021.

The theme was the **“Cooperation between national judges and the Court of Justice of the European Union in environmental matters”**, more specifically the way national judges implement the case law of the CJEU after it is rendered and what the end result is of the case “on the ground”.

The program included speakers from the CJEU and the European Commission, the Supreme Court and the Constitutional Court in Slovenia and several presentations of court cases regarding access to justice, air quality, habitat protection, EIA, environmental liability, water and waste.

The questionnaire prepared for the conference interrogated the functioning of the preliminary reference procedure with regard to national courts decisions once the CJEU has answered the question(s) posed in a preliminary ruling, so-called “follow-up judgments”. Respondents have been judges members of EUFJE working in 16 different countries.

Both days of the conference were recorded and can be watched on our [website](#), where you can find the summary report and court case presentations.

2. EUFJE Board meetings and General Assembly 18 September 2021

The EUFJE Board met (online) on 13 March, 11 October (secretariat evaluation) and 22 November 2021.

At the end of our annual conference, the EUFJE General Assembly was held online.

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

The General Assembly on 18 September 2021 approved the membership request of 13 new corresponding members in Portugal, Greece, Spain, Romania, the UK, Austria, Croatia, Italy and Germany. Three justices became honorary members of the network. EUFJE welcomed a new Observer from OECD and 3 new associated members from Democratic Republic of Congo, Georgia and Serbia.

The mandate of the current board members has been renewed.

3. EUFJE newsletters in Spring and Autumn

EUFJE issued 2 [newsletters](#) in Spring and in Autumn, to keep members updated and involve them in ongoing activities.

4. COP26 Glasgow

On 5 November 2021, EUFJE president Luc Lavrysen travelled to Glasgow by train to attend a reception organized by the **Environmental Law Institute (ELI)**, for global leaders from the judicial, legal, and climate-scientific communities in Glasgow, Scotland. ELI, a global research, education, and publishing organization, is celebrating a bold new initiative to connect judges with international scientists, to enable them to understand the scientific facts of climate change and their implications for climate litigation and action.

At the request of Climate Champions and Grantham Institute, Luc Lavrysen contributed to the “Future lab - Looking at the Law: a Window of Opportunity” and recorded a [video statement](#) which has been shared on social media and shown during the UN Climate Change Conference on 9 November 2021.

President Lavrysen also (digitally) took part in the '**Code Red' GLOBE COP26 Legislators Summit** held in partnership with the Scottish Parliament on 5 and 6 November 2021, organized by Global Legislators Organisation for a Balanced Environment (www.globelegislators.org) and (also digitally) in the **Climate Change Legislation, Litigation & the Rule of Law** conference organized by Strathclyde Centre for Environmental Law and Governance on 6 November 2021.

5. Roundtable between EUFJE, Judiciary of England and Wales and Judiciary of Brazil on Environmental Rule of Law

On 8 November 2021 a hybrid roundtable was organized between EUFJE, the Judiciary of England and Wales and the Judiciary of Brazil.

Senior President of Tribunals of England and Wales, Lord Justice Lindblom, vice-president of EUFJE welcomed participants from the CJEU, the High Court of England and Wales, the National Council of Justice and National High Court of Brazil and EUFJE members. Participants discussed in panels on 3 topics: the role of the judiciary in relation to conservation of habitats, environmental law enforcement and access to justice.

We hope this will be the start of a fruitful and ongoing dialogue on the art of adjudicating environmental cases.

6. Activities of the European Commission, DG Environment

EUFJE is an expert member of 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.

On 28 October 2021 EUFJE participated in a sub-group of the ECA Forum, the **Working Group on Sanctioning Environmental Crime**. Participants exchanged with the Commission on the revision of the Environmental Crime Directive and standard penalty clauses in sectorial environmental legislation.

EUFJE president, Luc Lavrysen spoke at the **EU Clean Air Forum** on 18 and 19 November 2021 in Madrid, Spain. Key points he stressed, are that international and European law are crucial for introducing and strengthening air quality standards within the EU and that national judges are increasingly invited to enforce EU Air Quality Law. Access to justice to the national courts in air quality cases is being supported by the Aarhus Convention and the case-law of the CJEU. Air quality law and case law was the topic of the EUFJE annual conference in 2020. A summary report, national reports, the video of the conference and presentations can be found on our [website](#).

7. Cooperation with partner enforcement networks ENPE, IMPEL and EnviCrimeNet

EUFJE cooperates closely with other networks of practitioners, such as ENPE, IMPEL and [EnviCrimeNet](#).

This includes launching joint projects and conferences.

ENPE, the [European Network of Prosecutors for the Environment](#) (ENPE) held its General Assembly on 17 November 2021. The network discussed its future work programme and funding. EUFJE attended the assembly as observer.

IMPEL, [the European Union Network for the Implementation and Enforcement of Environmental](#) held its General Assembly on 6, 7 and 8 December 2021. EUFJE attended the assembly as observer. IMPEL and EUFJE continued their cooperation in 2021. We could count on support for our annual conference and secretariat through the IMPEL Operating Grant.

EUFJE gave an update of its activities in the field of waste during IMPEL's annual Waste and TFS conference (online) on 17 November 2021.

[EnviCrimeNet](#) the network of environmental police, held its General Assembly on 16 and 17 November 2021 in Madrid, Spain. EUFJE was presented by Faustino Gudin, EUFJE member and senior judge in the criminal court of Segovia.

8. 4 Networks Day 21 May 2021



The banner features a dark blue header with the text "4 NETWORKS DAY" in large, white, glowing letters. Below the header, there are four logos: IMPEL, EnviCrimeNet, ENPE, and the EU Forum of Judges for the Environment. The main text reads "Together in the fight against environmental crime". Below this, the date, time, and location are listed. At the bottom, there are logos for Life+, SATEC, and the Zero Pollution campaign by the European Commission. The background of the banner is a close-up of green metal chains.

4 NETWORKS DAY

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

Together in the fight against environmental crime

Date: 21 May 2021
Time: 09:00 - 12:30 | 13:30 - 16:15 CET
Location: online, hosted by LIFE+ SATEC

  Life+ SATEC

 **ZERO POLLUTION** #EUGreenWeek
for healthier people and planet
European Commission

After two successful joint conferences, IMPEL, EUFJE, ENPE and EnviCrimeNet organised a 4 Networks Day on 21 May 2021 as a virtual event to bring together specialists involved in fighting environmental crime.

The overall **aim** was to improve enforcement of environmental law and to join forces by bringing regulators, inspectors, police officers, prosecutors and judges together. This event ran instead of the planned “live” conference, which has been postponed to 2023 due to the Covid-19 pandemic.

The 4 Networks Day concentrated on two key topics: the revision of the Directive 2008/99/EC on environmental crime and the next EU multi-annual Policy Cycle to tackle Organized and Serious International Crime (2022-2025).

In the afternoon, participants debated in 5 parallel, case-oriented workshops on the evaluation of ecological damages in court (BIOVAL), Shipment of Waste Enforcement Actions (SWEAP), Illegal plastic waste shipment, Wildlife crime, F-gasses and biodiesel fraud.

The 4 Networks Day has led to 2 Statements of the 4 Networks on the abovementioned key topics. These statements are attached to a Joint Statement of the Networks. These statements, the presentations and recordings can be found [here](#).

The 4 Networks Day was a Green Week Partner Event. The key messages of the 4 Networks have been presented at the 6th meeting of the Environmental Compliance Forum (online) on 2 June 2021 by Anne Brosnan, chair of ENPE, Kristina Rabe, chair of IMPEL and Judge Els Van Die (Court of Appeal Amsterdam), EUFJE.

9. ERA survey on training needs in EU environmental law

The Academy of European Law (ERA) organized a survey to assess the needs of judges for training in EU environmental law. The survey questionnaire was available in 22 EU languages. EUFJE participated in disseminating the survey. President Luc Lavrysen participated in the Expert Panel. The survey led to a report which has been presented to the European Commission in February 2022.

The survey confirmed among others, the continuing need to offer more and better training for judges, prosecutors and court staff in EU environmental law and implementing national legislation and interest in networking opportunities.

The knowledge of EUFJE and other practitioner’s networks such as ENPE could be improved. Herein lies a significant opportunity for the coming years to make our networks and activities better known to more judges.

10. Task Force on Access to Justice of the Aarhus Convention and Working Group of the Parties

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 etc.

President Luc Lavrysen intervened for EUFJE during the Task Force on Access to Justice on 15-16 February 2021.
He participated to the Working Group of the Parties to the Aarhus Convention Meeting on 7 June 2021.

11. 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. 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.

From 8 to 10 December 2021 GJIE held its 3rd General Assembly, attended by Luc Lavrysen for EUFJE. Secretary-General Fruzsina Bögös and Luc Lavrysen participated in the High Level Judicial Component of 2nd IUCN WCEL Environmental Law Congress (online) for EUFJE.

12. Project BIOVAL: update

BIOVAL is a joint project of EUFJE, IMPEL, ENPE and KU Leuven. It aims at creating a non-binding, practical instrument to value ecological damages in court.

The major advantages of using such a valuation instrument in administrative, civil or criminal procedures would be the greater legal certainty and the shorter case duration. It may also lead to more equal treatment of similar cases assessed in different contexts (different regions, different courts, different procedures...). Initially, the scope of the BIOVAL project will be limited to the valuation of wild fauna / vertebrates.

EUFJE, ENPE, KULeuven and IMPEL launched a tender for a scientific mini-study to develop a first proposal of a method or criteria to calculate damage to ecosystems and protected species to use during prosecution and court proceedings. INBO (<https://www.vlaanderen.be/inbo/home/>) was selected and is working on the study since October 2021.

INBO listed possible criteria and proposed a methods for valuation. The BIOVAL working group tried to apply these to some example speices.

The study report will serve as a start note for a series of webinars / workshops we intend to organize in Spring 2022 for in dept discussions aiming at biologists, ecologists, economists, lawyers.

Throughout the year, the project was presented and discussed during IMPEL Nature Expert Team meetings, the 4 Networks day and during the CMS 3rd joint meeting in

June 2021. With the support of the University of Ghent, teaching assistant Griet Van den Berghe, we made an overview of the case law we collected so far.

13. Other activities in 2021

EUFJE members gave trainings and presentations at the following events in 2021:

- 25 January 2021: LOT 4 Partners annual meeting hosted by European Judicial Training Network (EJTN)
- 30-31 January 2021: International Webinar on Global Challenges of Modern Times, Chandigarh University, Legal Issues and case law regarding nuclear phase-out in Belgium and Germany
- 1 February 2021: French Court of Cassation, “L'office du juge et les enjeux climatiques”
- 10 February 2021: DG Environment, Zero pollution workshop
- 26 February 2021: Training of trainers and judges on wildlife trafficking, EUFJE/Fauna & Flora International / High School of Justice Georgia
- 26-27 May 2021, World Judicial Conference on Environment (virtual), Supreme People’s Court of the People’s Republic of China, UNEP and Yunnan Provincial Government
- 3-11 September 2021: IUCN World Conservation Congress, Marseille
- 7 October 2021: Climate Change and Courts, Webinar, ADB, EBRD, EUFJE, GJIE
- 28 October 2021: Working Group on sanctioning of environmental offences, ECA Forum, DG Environment, EC
- 16-17 November 2021: EnviCrimeNet General Assembly
- 17 November 2021: ENPE General Assembly
- 17-18 November 2021: IMPEL Waste & TFS Annual Meeting
- 18-19 November 2021: EU Clean Air Forum, Madrid
- 23 November 2021: LIFE SWIPE project, external reference panel
- 28 November 2021: presentation at OECD webinar on prosecuting and punishing environmental crime
- 29 November 2021: Courts & Climate Change Global Conference, University of Ghent, Macquarie University
- 7-8 December 2021: IMPEL General Assembly
- 8-10 December 2021: 3rd General Assembly Global Judicial Institute on the Environment and High Level Judicial Component of 2nd IUCN WCEL Environmental Law Congress, Rio De Janeiro/online
- 16 December 2021: High level seminar on the Prosecutor's Role and Landmark cases for biodiversity, Client Earth - Chinese Supreme People's Procuratorate, where judge Jan Van den Berghe presented a wildlife trafficking case



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