



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

ANNUAL REPORT 2020

## 1. EUFJE Annual Conference on Air Pollution Law



The theme of the 2020 online EUFJE conference was "Air Pollution Law".

Towards the end of June, it became clear that due to COVID-19, the physical conference planned at the *Bundesverwaltungsgericht* in Leipzig, Germany had to be cancelled. So we decided to transform our conference in a digital event. The digital form allowed to extend the invitation beyond the judiciary.

We reached over 130 registered participants from all parts of the world and from many different organisations. We welcomed participants from presidential offices, ministries, environmental protection agencies, prosecutor's offices and universities from all over the globe.

The program included speakers from DG Environment, European Commission (EU Air Pollution Law), the European Environment Agency (scientific aspects of Air Pollution), the UNECE Convention on Long-range Transboundary Air Pollution, the Court of Justice of the European Union and the Environment Ministry of Germany.

Dr. Katalin Sulyok has drafted a summary report containing an overview of the national reports as well as analytical remarks on the shared challenges and patterns of national air pollution laws and adjudication.

Both days of the conference were recorded and can be watched on our [website](#), where you can also find the presentations, the 16 national reports and the abovementioned summary report.

## **2. EUFJE Board meetings and General Assembly on 10 October 2020**

The EUFJE annual board meeting in Paris was replaced by several Skype meetings in March, May and June 2020.

After the conference, EUFJE held a Board meeting on 9 October and a General Assembly on 10 October 2020.

EUFJE is constantly seeking to involve new and active members, to join the EUFJE board in the future or to become involved in one of our projects, to obtain new ideas and secure continuity.

## **3. New EUFJE website and first EUFJE newsletter**

We took advantage of the lockdown in Spring and Summer to work on a new EUFJE website. With the help of a web designer, the website was rendered more attractive and the treasure of information it contains, more accessible. You can find an overview of our activities, the reports of our past conferences, our annual reports, other documents and links and the EUFJE agenda on our new [website](#).

We drafted and sent a first EUFJE newsletter in Autumn 2020. In this way, we hope to keep our members updated and involve them more in ongoing activities.

## **4. EC - ERA “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.

ERA organized an online workshop for judges and prosecutors on Introduction to EU Environmental Law on 29-30 October and 5-6 November 2020.

EUFJE members were invited to participate.

## **5. 24<sup>th</sup> meeting of the Aarhus Convention Working Group of the Parties (28-29 October 2020)**

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.

EUFJE honorary member Lord Robert Carnwath represented EUFJE during the 24<sup>th</sup> meeting of the Aarhus Convention Working Group of the Parties and gave a keynote address on Access to Environmental Justice in the United Kingdom. The text of this interesting contribution can be found on our [website](#).

## **6. 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.

## **7. 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 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).

EUFJE was represented and delivered a presentation at the last session of the ECA Forum on 14 February 2020 in Brussels.

Our network welcomed the European Green Deal announced by the new Commission, a.o. to step up the fight against environmental crime, pollution and to better protect our biodiversity. EUFJE continued its commitment to the ECA initiative and the new working programme 2020-2022, more in particular actions 1 (strengthen interactions with EU-level compliance networks), 3 (create and support tools for sanctioning environmental criminals), 4 (access to justice in environmental matters), 7 (training) and 8 (cross-network cooperation and development of environmental expertise).

## 8. Launch LIFE project on Successful Wildlife Crime Prosecution in Europe (SWiPE)

On 3<sup>rd</sup> November 2020 leading partner WWF Bulgaria organized the Launch Stakeholders and Engagement Workshop of a new LIFE project on Successful Wildlife Crime Prosecution in Europe (SWiPE). The workshop took place online and was attended by more than 100 representatives from national agencies, other LIFE projects, EnviCrimeNet, ENPE, WWF, CITES Management Authorities, TRAFFIC, UNEP, EASME. During the workshop we discussed the factors preventing wildlife crime from going to trial.

The territorial scope of the project is: Romania, Serbia, Slovakia, Hungary, Ukraine, Poland, Bulgaria, Bosnia Herzegovina, Croatia, Italy and Spain.

SWiPE aims at discouraging and reducing illegally killed European wildlife.

EUFJE is part of the Expert Reference Panel. You can find more information about this project on our [website](#).

## 9. Cooperation with other enforcement networks

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

In 2020 cooperation with IMPEL was continued. 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 is represented in the High-Level Advisory Board of the WasteForce project and in the IMPEL Nature Protection Expert Team.

EUFJE participated in the IMPEL General Assembly on 2 and 3 December 2020.

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

EUFJE was a partner in the LIFE project to develop the network and to undertake a programme of support for the operative work of prosecutors. The project aimed at improving 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.



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Working Group 4 – Sanctioning, Prosecution & Judicial Practice looked 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 was chaired by EUFJE in the person of Dr. Carole Billiet. The working group has published various interim reports and a final report with key observations and recommendations. You can find these reports on our website.

EUFJE participated in the final WG4 meeting on 5 March and in the ENPE & the LIFE-ENPE Project Benefits Realisation Workshop, and ENPE Board meeting on 26 March 2020 (online).

ENPE hosts a database of criminal case law and related documents regarding Air Pollution, Waste (including Transfrontier Shipments of Waste) and Wildlife. EUFJE tries to feed this database and to encourage its members to use the database.

EUFJE participated in the (online) ENPE General Assembly on 25 November 2020.

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

EUFJE is supporting the EnviCrimeNet project "Ambitus", more specifically the organization of trainings for judges and prosecutors regarding forfeiture of illegal crime benefits. On 8-10 December 2020, EUFJE members participated in the Ambitus webinar on waste and wildlife trafficking.

*4 Networks conference on organized environmental crime postponed to October 2021*

IMPEL, EUFJE, ENPE and EnviCrimeNet were planning a 4 Networks Conference for the Autumn of 2020.

The aim of the 4 Networks Conference is to bring together regulators, inspectors, police officers, prosecutors and judges who are active or interested in combating environmental crime more effectively by joining forces.

Due to COVID-19, the 4 Networks Conference partners IMPEL, ENPE, EnviCrimeNet and EUFJE decided to postpone the 4 Networks Conference to the first half of October 2021, in Florence, Italy.

## **10. BIOVAL: working group meeting / Red Kite**

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.

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.

In a first stage, we are searching for and examining existing price list systems in EU member states. In Spring 2020, an online survey was launched:

[https://kuleuven.eu.qualtrics.com/jfe/form/SV\\_6YDf8GLJH876h8N](https://kuleuven.eu.qualtrics.com/jfe/form/SV_6YDf8GLJH876h8N)

To collect as much information as possible and to start up discussions, we submitted 3 cases to our judges, prosecutors, inspectors, academics, ngo's regarding the wolf, the starling and the red kite.

In August and September 2020, we analysed the information obtained so far, focusing on the red kite (*milvus milvus*), which is often the victim of poisoning and habitat destruction. This exercise was conducted to get a feel with the values, how are these chosen and which problems exist?

As a result of this "Red kite exercise", in a nutshell, we found values for the red kite in not less than 10 (mainly Eastern) European countries who have price lists or similar instruments. Values range from 150 euro in Bulgaria to 17.200 euro in Latvia.

The red kite presentation has been shared with IMPEL Nature Protection Expert Teams, with ENPE, EnviCrimeNet and Birdlife partners. These partners are asked to provide feedback and relevant case law.

In February - March 2021, we plan to organize a series of indepth online workshops on BIOVAL and the red kite exercise. The target audience are environmental economists, biologists, judges, prosecutors, police, enforcement authorities etc.

The project team is also exploring possible synergies with similar LIFE projects, such as LIFE SWiPE (Successful Wildlife Crime Prosecution in Europe), LIFE Nature Guardians and LIFE EUROKITE.

BIOVAL will be presented during the Next Joint Meeting of the Bern Convention's SFPs on Illegal Killing, Trapping and Trade in Wild Birds (IKB) and the UNEP/CMS MIKT Task Force in Spring 2021.

## 11. 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 2020, EUFJE actively attracted new members: 4 corresponding members (Supreme Court of Cyprus, Vaasa Court of Finland, judges from Latvia and Romania), 2 new honorary members (i.e. retired judges: UK and Albania), 1 observing member (from candidate member states: Supreme Court of Albania).



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## 12. Other activities in 2020

EUFJE members gave trainings and presentations at online events in 2020:

European Judicial Training Network (EJTN) stakeholder meeting on European Judicial Training on 29 January 2020

31 January - 1 February 2020: Second global symposium on "Judiciary and the environmental rule of law: Adjudicating our future", (GJIE, WCEL, IUCN, OAS, UNEP), Honolulu, Hawaii (video conference)

18-19 February 2020: Interpol and WWF Workshop illegal timber trade in Belgium

2-4 March 2020: workshop LIFE Nature Guardians Madrid

12-13 May 2020: Closing conference Access to Justice for a Greener Europe, Client Earth, LIFE project on training of judges, Brussels

27 May 2020: online discussion on the future activities of INECE

22 June 2020: video call with ADB on experiences of the Asian Judges Network on Environment:

1 and 3 July 2020: online participation WGP of the Aarhus Convention

4 July 2020: Chapter 4 of Global Webinar Series on Acceptability of International Awards Under Indian Jurisdiction and Climate Change: A Matter of Concern Globally Today; hosted by Chandigarh University (online)

28 August 2020 IUCN WCEL Webinar 7: Recent Developments in European Environmental Law Jurisprudence (Part 1)

4 September 2020 IUCN WCEL Webinar 8: Recent Developments in European Environmental Law Jurisprudence (Part 2)

5 October 2020: ECtHR Webinar on Human Rights and the Environment

16 October 2020: Client Earth Access to Justice in Environmental matters: Impacts, Obstacles, Way Forward, Green Week Partner Event

31 October 2020: Online fellowship program Global Policy, Diplomacy & Sustainability (GPoDS), Introduction to International Environmental Law & Governance (online)

16-20 November 2020: 7<sup>th</sup> Stakeholder Conference of the Environmental Liability Directive (ELD)

26 November 2020: University of Milan, Interdisciplinary Master Program on Climate Change in global partnership with University of Pennsylvania, Columbia University Sabin Center, Seattle University, University of Stellenbosch South Africa,

International Affairs Institute, Center for American Studies, Municipality of Milan and the Italian Ministry for Foreign Affairs, module on Global Environmental Law and strategic litigation (online)

9 December: participation Asia-Pacific Judicial Conference on Climate Change: Adjudication in the time of COVID-19 (online)

### **13. 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.

To be able to support our judges to contribute to the abovementioned 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.



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