



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

ANNUAL REPORT 2022

1. EUFJE Annual Conference 24-25 October 2022



EUFJE held its 19th annual conference at the Council of State of France in Paris on 24 and 25 October 2022 (hybrid): [Paris 2022 \(eufje.org\)](https://eufje.org)

The theme of the conference was **Climate law and litigation**.

The program included speakers from the European Commission, the European Environment Agency, Grantham Research Institute on Climate Change and the Environment of the London School of Economics and Political Science and national climate change case law presentations.

EUFJE and Grantham Research Institute on Climate Change and the Environment developed a questionnaire for EUFJE judges to understand what developments were occurring in climate litigation in Europe.

Grantham Research Institute drafted a [summary report](#) on Climate litigation in Europe.

Both days of the conference were recorded and can be watched on our website, where you can find all conference documents.

2. EUFJE Board meetings and General Assembly 25 October 2022

The EUFJE Board met (online) on 5 March and 25 October 2022 (hybrid).

On 25 October 2022 EUFJE held its General Assembly in Paris (hybrid).

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 25 October 2022 approved the membership requests of 27 new corresponding members. Three justices became honorary members of the network and 4 judges from Albania, Montenegro and Serbia became observer members.

The mandate of the current board members has been renewed.

3. EUFJE newsletter Summer 2022

EUFJE issued a [newsletter](#) in Summer, to keep members updated and involve them in ongoing activities.

4. Aarhus Convention activities

President Luc Lavrysen became Chair of the Task Force on Access to Justice (TFAJ) under the Aarhus Convention. TFAJ held its fourteenth meeting on 27 and 28 April 2022 in Geneva. The Task Force aimed to provide a platform for exchanging information, experiences and good practices with regard to key recent developments in the implementation of the Convention's pillar on access to justice and possible measures to remove barriers hampering its implementation.

More information and the presentations can be found here: [Fourteenth meeting of the Task Force on Access to Justice under the Aarhus Convention | UNECE](#)

The TFAJ meeting was preceded by the 2022 Judicial Colloquium for representatives of the judiciary, judicial training institutions and other review bodies: [2022 Judicial Colloquium | UNECE](#) Several EUFJE members spoke or attended. Its objective was to strengthen capacity of the judiciary to effectively handle cases related to climate change and air quality and explore trends and good practices related to adjudication of these cases, in particular with regard to standing, scope of review and remedies.

EUFJE was also represented at the 3rd Meeting of the Parties and 26th WG of the Parties under the Aarhus Convention on 22-24 June 2022.

On 24 June 2022, the Meeting of the Parties to the Aarhus Convention has elected, by consensus, Mr. Michel Forst as the world's first Special Rapporteur on environmental defenders.

The Special Rapporteur's role – which is operational with immediate effect – is to take measures to protect any person experiencing or at imminent threat of penalization, persecution, or harassment for seeking to exercise their rights under the Aarhus Convention.

5. UN Stockholm+50 Conference and Judges Symposium 31 May – 3 June 2022 Stockholm

A two-day Symposium end May- beginning of June 2022, held in conjunction with the United Nations [Stockholm+50 Conference](#), brought together senior judges from across the globe as key actors in the implementation of the Environmental Rule of Law.

The Symposium was organized by the Global Judicial Institute on the Environment (GJIE), the International Association of Judges (IAJ-UIM) in partnership with the Asian Development Bank, with the support of EUFJE and many other institutions.

Several EUFJE members spoke in a session and attended.

6. 2nd Roundtable EUFJE, Judiciary of England and Wales and Judiciary of Brazil on Environmental Rule of Law

On 21 June 2022 for the second time an (online) roundtable was organized between EUFJE, the Judiciary of England and Wales and the Judiciary of Brazil. The participant judges discussed topics such as the environmental rule of law in Brazil and Peru, the [UN Guide on Environmental Courts and Tribunals 2021](#), the role of the judiciary in relation to conservation of habitats, environmental law enforcement and access to justice.

A full report and pictures can be found [here](#).

7. 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 14 November 2022 EUFJE president Luc Lavrysen and Judge Van den Berghe presented and participated in a workshop on environmental compliance and

governance which focused on the proposal for a new Environmental Crime Directive and the Zero Pollution Action Plan: [Search \(europa.eu\)](#)

On 18 November 2022 EUFJE judges gave presentations on recent trends on access to justice in environmental matters during a Workshop for lawyers working in DG Environment.

8. Project BIOVAL

BIOVAL is a joint project of EUFJE, IMPEL and ENPE. Various universities are part of the BIOVAL 'expert panel'. 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.

In a first stage, we tried to find and examine existing price list systems in EU Member States.

An online survey of our members was organised, focusing on 3 species: wolf, starling and red kite.

In 2021 and 2022, after a tender, we asked the Flemish Institute for Nature and Forest Research (INBO) to examine existing price list systems and propose criteria and a possible methodology for valuing ecological damage to vertebrates.

The draft report was presented during an expert workshop in Brussels in April 2022. On 7 June 2022 it was presented during the *'Joint Meeting of the Bern Convention Network of Special Focal Points on Eradication of Illegal Killing, Trapping and Trade in Wild Birds and the CMS Intergovernmental Task Force on Illegal Killing, Taking and Trade of Migratory Birds in the Mediterranean'* (MIKT 5) which took place in Valencia and online.

On 18 November 2022 a second expert workshop was held.

In 2023 we would like to apply the calculation method developed by INBO to the 20-50 most common species in court and develop an online tool and disseminate the method and BIOVAL-tool in 2024.

9. Other activities in 2022

EUFJE co-organized the following events in 2022:

- Conference on environmental specialisation of judges and prosecutors in Ghent, Belgium, 1 April 2022 ([conference page](#))
- Conference in Brussels on the occasion of the 30th birthday of the Habitats Directive (<http://www.habitat-congress2022.brussels>)

EUFJE actively participated in the following events:

- LOT 4 Partners annual meeting hosted by European Judicial Training Network (EJTN), 25 January 2022, online
- Final STRIKE Online Training Session: 'Practical perspectives on waste enforcement planning and inspections with a focus on forensic and damages analysis relating to waste crime', University of Limerick, Ireland, 25-27 January 2022, online
- 25th Environmental Liability Directive Expert meeting, DG Environment, 14 February 2022, online
- Environmental law training for magistrates and trainees, Instituut voor Gerechtelijke Opleiding, 14 March 2022, Brussels
- RUNNER OPFA Joint workshop, SAFE Foundation, partner of the OPFA WASTE Project led by the Arma Dei Carabinieri (www.opfawaste-project.eu), 15-17 March 2022, online
- 'Justice Delayed and Justice Denied: Non-Implementation of European Court Judgments and the Rule of Law', EIN/DRI, 19 April 2022, online
- Climate change litigation International Meeting, 5-6 May 2022, Como
- International Conference on Environmental Diversity and Environmental Jurisprudence: National and International Perspective, Chandigarh University India, 7-8 May 2022 (online)
- 17th International Environmental Law Congress "Peace with Nature: The Right to Resilience Ecological", Law for a Green Planet Institute, 8 May 2022, online
- 5th Montevideo Programme, First Global Meeting of the National Focal Points, UN Environment, 7-9 June 2022, online
- "Drawing the law in the Anthropocene", 9 June 2022, Strasbourg.
- "Les entreprises face au contentieux climatique : actualité et perspectives", ICC, Paris, 17 June 2022
- "Droit des générations futures", Institut des Etudes et de la Recherche sur le Droit et la Justice, 12 September 2022, Paris
- Webinar on Environmental Liability for Eastern EU countries, OECD, online, 15 September 2022



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- OPFA Waste Specialized Workshop, Mestre (Italy), 27-29 September 2022
- ENPE AGM and 10-year anniversary event, 29-30 September 2022, The Hague (online)
- IMPEL Water and Land Conference, Lisbon, Portugal, 11-12 October 2022
- Oslo International Environmental Law Conference, panel: “Judicial Dialogue: The Role of Courts in Bringing About Systemic Change?”, 4 October 2022, online
- World Jurist Association Energy Transition & Climate Forum, 7 November 2022, online
- IMPEL Annual Waste conference, 9 November 2022, online
- 3rd Foro Internacional de Justicia Ambiental, Segundo Tribunal Ambiental Chile, 15 November 2022 (online)
- EnviCrimeNet annual meeting, Madrid, 16-17 November 2022
- IMPEL General Assembly, 29-30 November 2022, Czech Republic / online
- “Plastic Pollution, Law & Justice” within the framework of the First Meeting of the Intergovernmental Negotiating Committee (INC-1) on Plastic Pollution, UN Environment, GJIE, IUCN WCEL, Ministry of Environment of Uruguay, 1 December 2022, online
- Work meeting DG Environment, EUFJE, Court of Appeal of Mons on environmental specialisation, 9 December 2022, Mons



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