



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

ANNUAL REPORT 2023

1. EUFJE Annual Conference 26-27 October 2023



EUFJE held its 20th annual conference at the Escuela Judicial del Consejo General del Poder Judicial, in Barcelona, Spain, on 26 and 27 October 2023 (hybrid): [Barcelona 2023 \(eufje.org\)](https://eufje.org)

The theme of the conference was **Water Law**.

The program included speakers from the European Commission, the European Environment Agency, the UN Economic Commission for Europe (UNECE), Utrecht Centre for Water, Oceans and Sustainability Law (UCWOSL), as well as case law presentations by judges from the European Court of Justice, Spain, Belgium, France, Finland, and, in the framework of the strengthening relationship between EUFJE and Latin America, judges from Brazil and Peru.

EUFJE and UCWOSL developed a questionnaire for EUFJE judges to understand what developments were occurring in water law in Europe.

UCWOSL presented a [general report](#) on water law in Europe.

The programme of the conference can be found on our website, as well as presentations and pictures.

2. EUFJE Board meetings and General Assembly 27 October 2023

The EUFJE Board met on 4 March (online) and 26 October 2023 (in Barcelona).

On 27 October 2023 EUFJE held its General Assembly in Barcelona (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 26 October 2023 approved the membership requests of 7 new members, from Spain, Sweden and Austria. One board member became honorary member of the network and 5 judges from Georgia, Kenya and Peru became associated members.

The mandate of the current board members has been renewed, and Justice Françoise Nési (auditor) retired and the General Assembly elected Justice Laurence Abgrall as new auditor (see the composition of the board [here](#)).

3. Four Networks Conference

EUFJE cooperates closely with other networks of practitioners, such as the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), the European Network of Prosecutors for the Environment (ENPE) and EnviCrimeNet. Together, they co-organised the [2023 Four Networks Conference](#) on 28-29 September 2023 in Rome, Italy. The theme of the conference was “Cooperation in strengthening environmental enforcement”.

The conference focused on the following topics that the networks consider critical in tackling environmental crimes:

- new techniques to prevent and detect environmental offences;
- the need for administrative and criminal law enforcement to complement each other;
- making environmental crime unprofitable;
- assessing, remediating and compensating for the damage incurred;
- measuring enforcement results.

Following this successful conference, the 4 Networks have released on 3 October a [statement](#).

4. Aarhus Convention activities

President Luc Lavrysen is Chair of the Task Force on Access to Justice (TFAJ) under the Aarhus Convention. TFAJ held its fifteenth meeting on 4 and 5 April 2023 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: [Fifteenth meeting of the Task Force on Access to Justice under the Aarhus Convention | UNECE](#)

The TFAJ meeting was preceded by the 2023 Judicial Colloquium for representatives of the judiciary, judicial training institutions and other review bodies: [2023 Judicial Colloquium | UNECE](#) Several EUFJE members spoke or attended. Its objective was to explore trends and exchange good practices as well as strengthen the capacity of the judiciary to effectively handle cases regarding the protection of human rights and public interests against environmental pollution from chemicals and wastes.

EUFJE was also represented at the 4rd Meeting of the Parties and 27th WG of the Parties under the Aarhus Convention on 26-28 June 2023: [Twenty-seventh meeting of the Working Group of the Parties to the Aarhus Convention | UNECE](#)

On 14-16 September 2023, EUFJE President Luc Lavrysen also participated in the International Judges Conference on Access to Environmental Justice in Kirghizstan, and spoke about "Access to justice in climate and air quality cases".

5. Events of the Global Judicial Institute on the Environment

In July 2023, EUFJE President Luc Lavrysen attended the board meeting of the Global Judicial Institute on the Environment (GJIE) in New York, USA. He also participated in the discussions on and launch of the Model Forest Act Initiative ("MoFAI"). The [MoFAI](#) is a global partnership comprised of the GJIE, IUCN World Commission on Environmental Law (WCEL), UN Environment Programme, UN Forum on Forests, UN Development Programme, Asian Development Bank, and the World Bank Group, among others, in order to improve the legal protection of native forests by developing "a legal toolkit for policymakers, legislators, and other stakeholders to design and enhance legal frameworks for the conservation and sustainable management of forests and related ecosystems around the world".

EUFJE President also represented EUFJE and spoke at COP28 [side-event on climate change and courts' judicial perspectives on climate litigation](#) organised by the GJIE from 8 to 11 November 2023.

6. Study visits in Brazil on the Environmental Rule of Law

On 6-10 February 2023, EUFJE and the Judiciary of England and Wales participated in a study visit in Rio organized by Rio de Janeiro's State School of Judges (EMERJ) on the topic of the environmental rule of law, in order to build relations between the judiciaries of all three jurisdictions, gain deeper understanding of environmental rule of law issues in Brazil, share best practices and experience in environmental law cases, and explore potential for future collaboration and dialogue. The participant judges discussed topics such as climate change, deforestation, environmental law enforcement and access to justice.

In August 2023, EUFJE President Luc Lavrysen and Judge Van den Berghe attended and participated in lectures in Rio and Brasilia, at the invitation of EMERJ.

7. 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 expert workshops in April, June and November 2022. After each expert workshop, INBO reworked its proposal, taking into account the feedback we received from network members and other experts.

The methodology was finalised in January 2023, together with a first short list of compensation values for species.

The BIOVAL methodology was successfully used in a first case in March 2023. On 7 March 2023, the Criminal Court East-Flanders, Ghent division, ordered a financial compensation, for illegal catching of starlings, using the BIOVAL calculation method,

considering that restoration in nature was impossible and prohibited by the law. This civil compensation was to be paid to the Flemish Environment and Nature Fund for environmental restoration purposes (Mina Fund), a public fund financing prevention and remediation projects relating to nature and the environment) and is distinct from the criminal sanction that was ordered (community service).

On 26 January 2024, the compensation calculated through the BIOVAL methodology was confirmed on appeal by the Court of appeal in Ghent.

In the fall 2023, we started developing the BIOVAL website, containing the methodology, the list of values and case law that legal practitioners will be able to refer to in their own cases. The website will be released in or around March 2024.

In the meantime, **the list of compensation values was extended to 100 species**, and should be extended again in 2024.

Throughout 2023, the BIOVAL project was presented at several events to judges, prosecutors and other legal practitioners.

8. Inaugural Conference of the French Society of Judges and Prosecutors for Environmental Justice

EUFJE supported the creation and start of the French Society of Judges and Prosecutors for Environmental Justice (AFMJE) in late 2022. EUFJE President Luc Lavrysen delivered an introductory speech to the Inaugural Conference of AFMJE, and new and former board members Laurence Abgrall and Françoise Nési also spoke at the conference, on 9 December, in Paris, France.

9. Other activities in 2023

EUFJE co-organized the following event in 2023:

- **9-10 May: Lund Conference on “Climate Emergency: Law, Policy, and Adjudication in the EU”**, co-organised by EUFJE and Lund University, Lund University, Sweden - [Microsoft Word - Programme for the EUFJE Conference Lund 2023.docx](#); [Calendar with upcoming events: Climate Emergency: Law, Policy, and Adjudication in the EU | Lund University School of Economics and Management](#); [Climate Emergency: Law, Policy, and Adjudication in the EU | Centre for European Studies \(lu.se\)](#)

EUFJE actively participated in the following events:

- 23 January: LOT 4 Partners annual meeting hosted by European Judicial Training Network (EJTN), online

- 2 March: IMPEL Open Day: presentation of the BIOVAL project (online)
- 17 March: 1st Showcase Event of the EMERITUS project “Strategies and Synergies to Strengthen EU Capabilities against Environmental Crimes”, University of Verona, Italy - [EMERITUS 1st Showcase Event “Strategies and Synergies to Strengthen EU Capabilities against Environmental Crimes” & Consortium Meeting - Emeritus project](#)
- 23 March: Webinar “The Climate Docket at the European Court of Human Rights”, Sabin Center of Columbia University, New York - [The Climate Docket at the European Court of Human Rights | Sabin Center for Climate Change Law \(columbia.edu\)](#)
- 13 April: New York World Law Congress, Opening Session, “Climate change law and constitutional issues, separation of powers and the rule of law”, New-York, USA - [Presentation at the United Nations of the World Law Congress, April 13 2023 - YouTube](#)
- 3 May: Council of Europe, High-level Conference on “The Right to a Clean, Healthy, and Sustainable Environment in Practice”, Strasbourg, France - [High-level conference on the right to a clean, healthy and sustainable environment in practice - Human Rights and Rule of Law \(coe.int\)](#)
- 11 May: Auckland University Conference on “Climate Litigation in Comparative Context Promoting discussion and debate on climate litigation”, Auckland, NZ (online) - [nz-climate-litigation-conference-flyer-final.pdf \(legalresearch.org.nz\)](#)
- 7 June: EU Green Week, Expert Meeting on "Strengthening environmental rule of law through effective fight against environmental crime", Brussels, Belgium - [Strengthening environmental rule of law through effective fight against environmental crime \(europa.eu\)](#) ; Panel presentation: Enforcement of environmental law
- 9 June: ELTE Aarhus Workshop of the Rights of Future Generations, “Future Generations Litigation”, Budapest, Hungary - [pdf](#); [Post | LinkedIn](#)
- 20 July: World Law Congress, New York, USA - Panel Rule of Law, Energy Transition & Climate Forum - <https://wlc-nyc.com/wp-content/uploads/2023/07/WLC-NYC-2023-PreEvent-Dossier-190723-1.pdf>; <https://youtu.be/me0fsEIPCYc>
- 27 September: Meeting on Environmental Courts and Tribunals during the visit by the federal Minister of environment of the Environmental Section of the Court of appeals of Mons - <https://www.telemb.be/article/mons-la-ministre-zakia-khattabi-en-visite-la-chambre-de-lenvironnement>
- 14-15 November: IMPEL Nature Protection Expert Team meeting (presentation of EUFJE activities and BIOVAL) (online)
- 29 November: IMPEL General Assembly (online)



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