



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

ANNUAL REPORT 2024

1. EUFJE Annual Conference 18-19 October 2024



Global Judicial Institute
on the Environment
Institut Judiciaire Mondial
de l'Environnement
Instituto Judicial Mundial
del Ambiente

ROYAL NORWEGIAN MINISTRY OF
CLIMATE AND ENVIRONMENT



ELTE
EÖTVÖS LORÁND
UNIVERSITY



The 2024 Annual Conference took place at ELTE University in Budapest, Hungary (hybrid), on 18 and 19 October 2024.

The theme of the conference was "**Human Rights Approach to the Protection of the Environment and Future Generations**".

We hosted presentations by Representatives from the EU Commission, the Aarhus Compliance Committee, the Special Rapporteur on Environmental Defenders under the Aarhus Convention, and the Ombudsman for Future Generations of Hungary. We also heard about case law and experiences from Judges from the European Court of Justice and the European Court of Human Rights, as well as on pending advisory opinions of ICJ and ITLOS, and on experiences from the Inter-American Court of Human Rights.

Turning to EU national jurisdictions as well as some associated members' jurisdictions, we had a presentation by Dr. Katalin Sulyok, Chief Legal Advisor at the Office of the

Ombudsman for Future Generations and Associate Professor in International Environmental Law and Climate Law at ELTE Law School in Budapest, of the outcomes of a questionnaire that we sent to our members in order to understand what recent developments were occurring on Human Rights Approach to the Protection of the Environment and Future Generations.

Finally, we exchanged on case law with judges from Germany, Hungary, France, Norway, Belgium, the Netherlands and Ukraine. We also heard a presentation on the BIOVAL tool, an indicative tool to value damage to nature in court, as a tool contributing to enforcing the right to a healthy environment.

At this conference, we also celebrated the 20th anniversary of EUFJE.

The conference was a very lively and productive moment of sharing knowledge and experiences, and showed a real eagerness to cooperate and strengthen the practice of environmental law by judges through such sharing and the rich discussions that resulted from it.

You will find the detailed programme [here](#).

A [report](#) of the outcomes of the questionnaire has been prepared by Dr. Katalin Sulyok.

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2. EUFJE Board meetings and General Assembly

The EUFJE Board met on 9 March (online) and 19 October 2024 (in Budapest).

On 19 October 2024 EUFJE held its General Assembly in Budapest (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 19 October 2024 approved the membership requests of 7 new members, from Portugal, Spain, Hungary, Greece and the Netherlands. One member became honorary member of the network and 2 judges from Ecuador and Peru became associated members.

The mandate of the current board members was renewed (see the composition of the board [here](#)).

3. Four Networks Activities

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. In 2024, they have worked on two projects:

- The organization of the 4 Networks Conference to be held on 21-22 May 2025 in Bratislava, Slovakia
- The “ECD compliance assurance project”, and in particular the drafting and circulation of a survey on the implementation of the new Environmental Crime Directive that entered into force on 20 May 2024.

4. 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.

The BIOVAL calculation method was used again by the Court of First Instance of East-Flanders, Oudenaarde division, on 27 February 2024, in a case regarding various CITES breaches and involving 43 species. Considering that restoration in nature was impossible and prohibited by the law, and that the author of environmental crime causing damage to such an extent that it cannot be repaired may not escape his obligation to repair, through monetary compensation to the MINA Fund. The Court added that this compensation may be ordered at the request of the Public Prosecution Service or ex officio, and ordered the defendant to pay a total of 68,545.06 EUR to the MINA Fund. The decision has been appealed.

On 3 October 2024, the Criminal Court Brussels used the BIOVAL tool, in a case of illegal killing of a grey heron, to order a financial compensation of 5000 EUR to be paid to the MINA Fund, considering that the damage to nature was estimated by Bioval as accurately and concretely as possible by means of scientific criteria, and therefore should be applied.

In May 2024, we launched the [BIOVAL tool website](#), containing the methodology, the list of compensation values and case law that legal practitioners will be able to refer to in their own cases.

In October 2024, at the annual conference of ENPE, the BIOVAL project received the **2024 GAIA award for "Overall contribution in the fight against environmental crime."**

On 13 December 2024, the BIOVAL team held a very productive workshop, with participants from all parts of the enforcement chain (judges, prosecutors, police and administrative officers, lawyers) as well as academics, to present and explain the BIOVAL tool and brainstorm together on its evolution and adaptation/dissemination across Europe.

In 2024, BIOVAL was presented at the following events:

- IMPEL Nature Expert team meeting on 22 May 2024 and 19 November 2024
- Waldrappteam Symposium and World-Café: "New approaches and technologies against illegal bird hunting," 18 April 2024
- UCC-ENPE Conference on Environmental Crime: "Co-operation to ensure effective prosecution," 11 October 2024
- EUFJE Annual Conference, 19 October 2024
- 47th EU Wildlife Trade Enforcement Group meeting, convened by the European Commission DG ENV CITES team, 24 October 2024
- BIOVAL workshop, Brussels, 13 December 2024

5. Aarhus Convention activities

EUFJE was represented at the [28th meeting of the Working Group of the Parties under the Aarhus Convention](#) on 2-4 July 2024. You can find [here the list of decisions and major outcomes of the meeting](#).

EUFJE President also participated in UNECE side-event at the Regional Forum on Sustainable Development (online): ["Environmental Rule of Law and the role of access to justice in delivering on SDGs 16 and 13"](#), on 14 March 2024.

6. Events of the Global Judicial Institute on the Environment

EUFJE President represented EUFJE and spoke at COP29 side-events in Baku, Azerbaijan:

- ["The Model Forest Act Initiative - A Global Partnership to Improve the Legal Protection of Forests,"](#) on 15 November 2024;
- ["Pollution, Nature and Water: A Global Dialogue Among Judges in the Context of Climate Change,"](#) on 16 November 2024;
- ["Climate Change and Courts: Judicial Perspectives on Climate Litigation,"](#) on 16 November 2024.
- Law and Justice Commission of Pakistan, COP29 Pakistan Pavilion, "Judicial Pathway Towards Climate Justice: Judicial Approaches in the Asia-Pacific Region for Addressing Climate Change, 15 November 2024.

7. Webinars with Latin America

In 2024, EUFJE held two webinars co-organized with the Commission for the Environment of the Cumbre Judicial Iberoamericana, in order to share, between European and Latin American judges, experiences and best practices on legal challenges and cases in environmental law. The themes of these webinars were:

- **"Rights of Access, Information and Participation in Environmental Matters - Procedural Rights under the Aarhus Convention and Escazu Agreement"** (7 June 2024), which featured two presentations by European judges, including EUFJE President Dr. Prof. Em. Luc Lavrysen and EUFJE member Judge Marc Clément, and two presentations by experts from Costa Rica and from the Inter-American Institute of Justice and Sustainability, namely Dr. Patricia Madrigal Cordero and Dr. Claudia de Windt, with EUFJE Member Dr. Faustino Gudín Rodríguez-Magariños as moderator.
- **"Human Rights Approach to the Protection of the Environment and Future Generations"** (29 November 2024), which was an extension of the Annual Conference and featured the presentation of the General Report from the Annual Conference by Dr. Katalin Sulyok, and two presentations by Judges Dr. Wendy S. Martínez Mejía from Costa Rica, and Dr. Néstor Alfredo Cafferatta

from Argentina, with EUFJE Member Dr. Faustino Gudín Rodríguez-Magariños as moderator.

8. Conference of the French Society of Judges and Prosecutors for Environmental Justice (AFMJE)

EUFJE President Luc Lavrysen delivered an introductory speech to the Conference of AFMJE on "[Water, Waters, and Justice](#)", on 5-6 December 2024 in Roubaix, France, where EUFJE was also represented by EUFJE Auditor Laurence Abgrall, and EUFJE Honorary Member (and former Auditor) Françoise Nési.

9. Training

On 23 January 2024, EUFJE attended the European Judicial Training Network Contact Point meeting.

EUFJE members provided trainings at ERA seminars, and EUFJE members also contributed to trainings organized by UNEP and UNDP.

In particular, EUFJE participated in a training on [the application of the EU Directive on Protection of the Environment through Criminal Law](#), organised by the UNDP regional office Bosnia and Herzegovina, on 15 April 2024.

EUFJE President also hosted a study visit/training on environmental criminal law for judges and prosecutors in Bosnia and Herzegovina, organized by UNDP, at the Constitutional Court of Belgium, Brussels, on 26 September 2024.

10. Other activities in 2024

- 7 February: International Event at the French Constitutional council on "Justice, Future Generations and the Environment"
- 8 April: WHU 1893 Global Law Distinguished Lectures Series on "Climate Law: International and European Perspectives", Wuhan University School of Law
- 1-3 May: Meeting of Judges, CJEU's celebration of "20 years since the accession of 10 States to the European Union: A new constitutional moment for Europe"
- 11-12 June: [JRC-ESA Workshop on Earth Observation to investigate environmental crimes](#)
- 29 September: ENPE Annual General Meeting (online)
- 8 October: OHCHR, joining forces to better support and protect Environmental Human Rights Defenders in Europe, UN House, Brussels
- 10 October: OSCE Mission to Serbia, "Effective Legal Instruments for Processing Environmental Cases - "Greening Justice", Belgrade (online)

- 29 October: Master's Degree in Comprehensive Environmental Protection organized by the Guardia Civil University Centre on "International Cooperation in Environmental Protection".
- 7 November: UNDP Caribbean Judges' Forum on Human Rights, Port of Spain, Trinidad and Tobago (online)
- 19-20 November: European Commission/TAIEX MultiCountry - Workshop on new aspects in the cross-border cooperation against environmental crime, Budapest (online)
- 28 November: IMPEL General Assembly