



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

### NEWSLETTER AUTUMN 2021

#### 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](http://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.

Co-founder of EUFJE, Director of [International Court of the Environment Foundation \(ICEF\)](#) and honorary deputy president of the Italian Supreme Court, Amedeo Postiglione wrote a contribution on Climate Justice. This text will be distributed by e-mail together with this newsletter.

#### Roundtable 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 prominent 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. The 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.

## Activities of the European Commission, DG Environment

The Forum 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 has been invited to speak at the **EU Clean Air Forum** on 18 and 19 November 2021 in Madrid, Spain. Key points EUFJE will stress, 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](#).

## News from partner enforcement networks ENPE, IMPEL and EnviCrimeNet

ENPE, the [European Network of Prosecutors for the Environment](#) (ENPE) is holding its General Assembly on 17 November 2021. The network will discuss its future work programme and funding.

IMPEL, [the European Union Network for the Implementation and Enforcement of Environmental](#) is holding its General Assembly on 6, 7 and 8 December 2021.

[EnviCrimenet](#), the network of environmental police, is holding its General Assembly on 16 and 17 November 2021 in Madrid, Spain. EUFJE will be represented by Faustino Gudin, senior judge in the criminal court of Segovia.

## ERA survey on training needs in EU environmental law

The Academy of European Law (ERA) is organising a [survey](#) to assess the needs of judges for training in EU environmental law. The survey questionnaire is available in 22 EU languages.

**ERA is still short in replies from the following member states:** UK, France, Slovakia, Poland, Belgium, Italy, Austria, Germany and Spain. The deadline to reply is **30 November 2021**.

Thank you in advance for your support!

## 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 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 judge 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 also find the summary report and all the court case presentations.

## EUFJE General Assembly 18 September 2021

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

We are looking for a **host country/court for the 2022 EUFJE conference** and welcome any ideas for the topic.

There has been a delay in the approval of our budget application (through the IMPEL Framework Partnership Agreement) with the European Commission. In 2021, our activities could take place thanks to the support of **IMPEL and grants from the Belgian Federal Public Service for Environment and the Royal Norwegian Ministry for Climate and Environment**.

EUFJE is mentioned in the new LIFE regulation 2021/783 adopted in April 2021 as a body to which a direct grant can be awarded. A meeting has been asked with DG Environment to prepare the grant application.

A special board meeting will be held online on 22 November 2021 to discuss these matters.

The mandate of the current board members has been renewed. Any members interested in joining the EUFJE board are kindly asked to contact the president or secretariat.

## 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 is listing possible criteria and methods for valuation** and will try to apply these to some example species. Once the INBO study (first phase) is completed, we would

like to submit it to the working group for feedback. This will probably be in December 2021 or January 2022.

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.

## **Tender for secretariat services: apply before 30 November 2021**

A tender has been published on the [IMPEL](#) and [EUFJE](#) websites for the EUFJE secretariat services in the coming year(s). Candidates should apply before 30 November 2021.

**If you would like to participate in any of the abovementioned projects or in case of questions, please contact the secretariat: [farah.bouquelle@eufje.org](mailto:farah.bouquelle@eufje.org)**



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