



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

NEWSLETTER SUMMER 2022

## 2022 EUFJE ANNUAL CONFERENCE CLIMATE LAW AND LITIGATION 24-25 OCTOBER 2022 — PARIS (HYBRID)



We are delighted to host the annual EUFJE Conference thanks to the support of the Council of State of France **on Monday 24 and Tuesday 25 October 2022 in Paris.**

The theme of the conference will be **Climate law and litigation.**

The program will include speakers from the European Commission, the European Environment Agency, the Grantham Research Institute on Climate Change and the Environment, the CJEU, the ECHR and national climate change case law presentations from the Netherlands, Belgium, Norway, Ireland, Germany and France.

You can find the program, practical information and the questionnaire on our [website](#).

Thanks for sending your **national reports on the questionnaire to the secretariat by 31 August 2022.** This will allow the Grantham Research Institute on Climate Change and the Environment to draft the summary report.

## Environmental Liability Directive: public consultation until 4 August 2022

The open public consultation on the ELD is still running. It is available in all EU official languages and you may submit your [feedback](#) until **4 August 2022**.

This evaluation will assess whether the Directive is fit for purpose and any shortcomings it may have. It will also reflect on calls from the European Parliament and the European Court of Auditors to strengthen its application.

## Aarhus news

President Luc Lavrysen recently became the 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](#).

The TFAJ meeting was preceded by the **2022 Judicial Colloquium** for representatives of the judiciary, judicial training institutions and other review bodies. 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.

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.

## 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. A report of one of them:

*I was impressed by the diversity of the speakers: high court judges, renowned professors, economists, the UN Special Rapporteur on human rights and the environment, counsellors, and judicial academy leaders from all over the world who all had different approaches to the legacy of the Stockholm Conference and Declaration. Besides, it was interesting to recognize how the Stockholm Declaration, although 50 years old, is still shaping the legal thinking on environmental law. (Fruzsina Bögös, Secretary-General EUFJE)*

## **2<sup>nd</sup> Roundtable EUFJE, Judiciary of England and Wales and Judiciary of Brazil on Environmental Rule of Law**

On 21 June 2022 a second (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](#).

## **R2HE at UN General Assembly**

After the adoption by the UN Human Rights Council of a resolution last October 2021 calling on the UN General Assembly to address the issue, on 21 June 2022 [a draft resolution recognizing the right to a healthy environment](#) has been presented to the UN General Assembly and may be voted end July 2022.

## **UN Environment Environmental Courts and Tribunals 2021: A Guide for Policymakers**

In July 2022 UN Environment launched the Environmental Courts and Tribunals (ECT) Guide 2021. This update of the [UNEP 2016 ECT Guide](#) was a joint project of the Asia-Pacific Centre of Environmental Law at the National University of Singapore and the University of Ghent.

The 2021 Guide can be consulted [here](#).

## **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.

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”* which took place in Valencia and online.

INBO is now reworking its proposal, taking into account the feedback we received from network members and other experts.

On **18 November 2022** we plan a **second expert workshop** (please save the date!). This workshop will take place in Brussels, with a possibility to attend online.

**If you would like to participate in any of the abovementioned projects or in case of questions, please contact the secretariat.**



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