



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

NEWSLETTER AUTUMN 2020

Message from EUFJE President Luc Lavrysen on 9 October 2020: on the link between COVID-19 and Air Pollution



A year ago we decided to organise our annual conference on the topic of air pollution. The Supreme Administrative Court of Germany, the Bundesverwaltungsgericht in Leipzig, would act as a host and we started soon after the Helsinki conference with the preparations. But then, in March, the new corona virus deployed rapidly in Europe and a pandemic was declared by the WHO. Lockdowns have been introduced on a large scale and teleworking and videoconferencing became our new daily reality. A lot of physical activities, seminars, conferences have been annulled, postponed or transformed into a virtual event. We followed the evolution of

the pandemic closely and towards the end of June it became clear that our initial hope that we would be able to organise a conference in the splendid premises of the Court and the lovely city of Leipzig, was not realistic. So we decided to transform our conference in a digital event. The digital form allowed to extend the invitation beyond the judiciary.

We reached over 130 registered participants from all parts of the world and from many different organisations. We welcomed participants from presidential offices, ministries, environmental protection agencies, prosecutor's offices and universities from all over the globe.

There was a link between the theme of our conference and the pandemic. The lockdown measures have clearly showed that so-called "normal" human activities are causing the severe air pollution situation we find in different parts of the world. Air quality improved considerably during the lockdown in China, and you might have seen the spectacular photographs of the differences between "normal" air quality and the much better visibility during lockdown in cities in India or Pakistan. Sometimes children could for the first time in their life enjoy blue skies. Also in Europe the air quality improved noticeably according to monitoring data. Unfortunately, the corona virus has not brought lasting improvements, because the pollution levels have been "restored" to nearly "normal" when the lockdown measures have been relaxed. So there is still a long way to go.

I am thankful to Farah Bouquelle, for the whole preparation, and to Lars Devocht from the Belgian Constitutional Court for his technical assistance.

I also want to acknowledge the European Commission and IMPEL who support the activities of EUFJE.

EUFJE Annual Conference on Air Pollution Law (9-10 October 2020)



The theme of the first online EUFJE conference was "Air Pollution Law".

The program included speakers from DG Environment, European Commission (EU Air Pollution Law), the European Environment Agency (scientific aspects of Air Pollution), the UNECE Convention on Long-range Transboundary Air Pollution, the Court of Justice of the European Union and the Environment Ministry of Germany.

The questionnaire prepared for the conference interrogated the challenges that courts are facing in domestic air pollution litigation. Respondents have been judges members of EUFJE working in 16 different countries.

Dr. Katalin Sulyok has drafted a summary report containing an overview of the national reports as well as analytical remarks on the shared challenges and patterns of national air pollution laws and adjudication.

Both days of the conference were recorded and can be watched on our [website](#), where you can also find the presentations, the national reports and the abovementioned summary report.



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EUFJE Board meeting and General Assembly on 9 and 10 October 2020

After the conference, EUFJE held a Board meeting on 9 October and a General Assembly on 10 October 2020.

Vice-president of EUFJE, Jerzy Stelmasiak retires as a judge and proposed to be replaced in the EUFJE Board. We thank him for his commitment to the Forum and hope he will become an honorary member of our network. Justice Teresa Zyglewska (Supreme Administrative Court of Poland) was appointed new board member by the General Assembly.

EUFJE is seeking to involve new and active members, please let us know in case you are interested in joining the EUFJE board in the future or would like to become involved in one of our projects.

New EUFJE website

We took advantage of the lockdown in Spring and Summer to work on a new EUFJE website. With the help of a web designer, the website was rendered more attractive and the treasure of information it contains, more accessible. You can find an overview of our activities, the reports of our past conferences, our annual reports, other documents and links and the EUFJE agenda on our new [website](#).

24th meeting of the Aarhus Convention Working Group of the Parties (28-29 October 2020)

EUFJE honorary member Lord Robert Carnwath represented EUFJE during the 24th meeting of the Aarhus Convention Working Group of the Parties and gave a keynote address on Access to Environmental Justice in the United Kingdom. The text of this interesting contribution can be found on our [website](#).

Launch LIFE project on Successful Wildlife Crime Prosecution in Europe (SWiPE)

On 3rd November 2020 leading partner WWF Bulgaria organized the Launch Stakeholders and Engagement Workshop of a new LIFE project on Successful Wildlife Crime Prosecution in Europe (SWiPE). The workshop took place online and was attended by more than 100 representatives from national agencies, other LIFE projects, EnviCrimeNet, ENPE, WWF, CITES Management Authorities, TRAFFIC, UNEP, EASME. During the workshop we discussed the factors preventing wildlife crime from going to trial.



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The territorial scope of the project is: Romania, Serbia, Slovakia, Hungary, Ukraine, Poland, Bulgaria, Bosnia Herzegovina, Croatia, Italy and Spain.

SWiPE aims at discouraging and reducing illegally killed European wildlife. EUFJE is part of the Expert Reference Panel. In case you would like to participate in SWiPE, please contact the secretariat. You can find more information about this project on our [website](#).

BIOVAL: working group meeting / Red Kite

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.

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 are searching for and examining existing price list systems in EU member states. In Spring 2020, an online survey was launched:
https://kuleuven.eu.qualtrics.com/jfe/form/SV_6YDf8GLJH876h8N

To collect as much information as possible and to start up discussions, we submitted 3 cases to our judges, prosecutors, inspectors, academics, ngo's regarding the wolf, the starling and the red kite.

In August and September 2020, we analysed the information obtained so far, focusing on the red kite (*milvus milvus*), which is often the victim of poisoning and habitat destruction. This exercise was conducted to get a feel with the values, how are these chosen and which problems exist?

As a result of this "Red kite exercise", in a nutshell, we found values for the red kite in not less than 10 (mainly Eastern) European countries who have price lists or similar instruments. Values range from 150 euro in Bulgaria to 17.200 euro in Latvia.

Shortly, the red kite presentation will be shared with IMPEL Nature Protection Expert Teams, with ENPE, EnviCrimeNet and Birdlife partners. These partners will be asked to provide feedback and relevant case law.

In February - March 2021, we plan to organize a series of in depth online workshops on BIOVAL and the red kite exercise. The target audience are environmental economists, biologists, judges, prosecutors, police, enforcement authorities etc.



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The project team is also exploring possible synergies with similar LIFE projects, such as LIFE SWiPE (Successful Wildlife Crime Prosecution in Europe), LIFE Nature Guardians and LIFE EUROKITE.

BIOVAL will be presented during the Next Joint Meeting of the Bern Convention's SFPs on Illegal Killing, Trapping and Trade in Wild Birds (IKB) and the UNEP/CMS MIKT Task Force in Spring 2021.

If you would like to participate in this project, please contact the secretariat.



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ENPE news

For an update on the European Network of Prosecutors for the Environment (ENPE), please see the [ENPE newsletter July 2020](#).

ENPE hosts a database of criminal case law and related documents regarding Air Pollution, Waste (including Transfrontier Shipments of Waste) and Wildlife. The database is still under construction. In case you would like to provide interesting case law or gain access to the database, please send a message to: lars.magnusson@aklagere.se.

IMPEL news

For an update on the European Network for the Implementation and Enforcement of Environmental Law (IMPEL) please visit <https://www.impel.eu/news/>.

IUCN / WCEL news

In view of the sanitary situation associated with the COVID-19 pandemic, France and the IUCN have decided to postpone the IUCN World Conservation Congress, which was to be held in January 2021 in Marseille. New dates for the event will be announced in due course.

The 2nd World Environmental Law Congress has been postponed to 2021 because of the travel restrictions imposed by COVID-19. New dates for the event will be announced in due course.

Additional information will be posted to the [2nd World Environmental Law Congress website](#) when it becomes available.

In April 2020, WCEL launched a [Webinar Series](#) to bring attention to emerging issues in Environmental Law. Over the past six months, WCEL has hosted nine Webinars on a wide range of topics. The webinars considered the role of environmental law in addressing the current global health pandemic as well as the role of environmental law to address climate change, water rights, and ocean health. As part of the WCEL Webinar Series, WCEL is collaborating with other IUCN Commissions and partners. With the Global Judicial Institute on the Environment (GJIE), WCEL hosted a 2-part webinar on recent developments in European environmental law jurisprudence.

We invite you to visit the [WCEL Webinar Series webpage](#) for more information about the WCEL Webinar Series and video recordings.

In case you would like to receive IUCN / WCEL newsletters, you can subscribe via their websites.



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