

# THE EUFJE



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



# ¿WHAT IS THE EUFJE?



- The European Union Forum of Environmental Judges (EUFJE) was established in 2004.
- It is an international non-profit association operating under the legal framework of Belgian law.
- The Forum was created with the aim of raising awareness among judges of the key role of the judiciary in the effectiveness of sustainable development.
- The objective of the Forum is to contribute to a better implementation and enforcement of national, European and international environmental law:
  - contributing to a **better knowledge** of environmental law among judges,
  - **sharing case law**,
  - and **sharing experiences** in the area of training of the judiciary in environmental law.



# HISTORY

- The EUFJE was created in Paris in May 2003, on the initiative of Mr Guy Canivet, First President of the Cour de Cassation (France), Amedeo Postiglione, Judge of the Corte Suprema di Cassazione (Italy), Luc Lavrysen, Judge of the Constitutional Court (Belgium) and Lord Justice Robert Carnwath, then Judge of the Court of Appeal (England and Wales).
- The Forum has its origins in the UN Environment Programme (UNEP), which initiated a meeting of all the Chief Justices and Chief Justices of the world during the Johannesburg Summit in August 2002. To implement the resolutions adopted at the end of the symposium, regional colloquia were organised.
- The European judges met in Rome in May 2003 and decided to establish a permanent organisation for EU countries. The inaugural meeting held at the ECJ in Luxembourg on 26 April 2004 agreed that the initial work of the EUFJE would consist of obtaining information on environmental law training facilities offered to members of the judiciary in each of the participating states, as well as particular courts or tribunals having jurisdiction in respect of environmental cases.
- On 3 December 2004, the EUFJE held its first Annual Conference at the Netherlands Council of State in The Hague on training and expertise in environmental law.

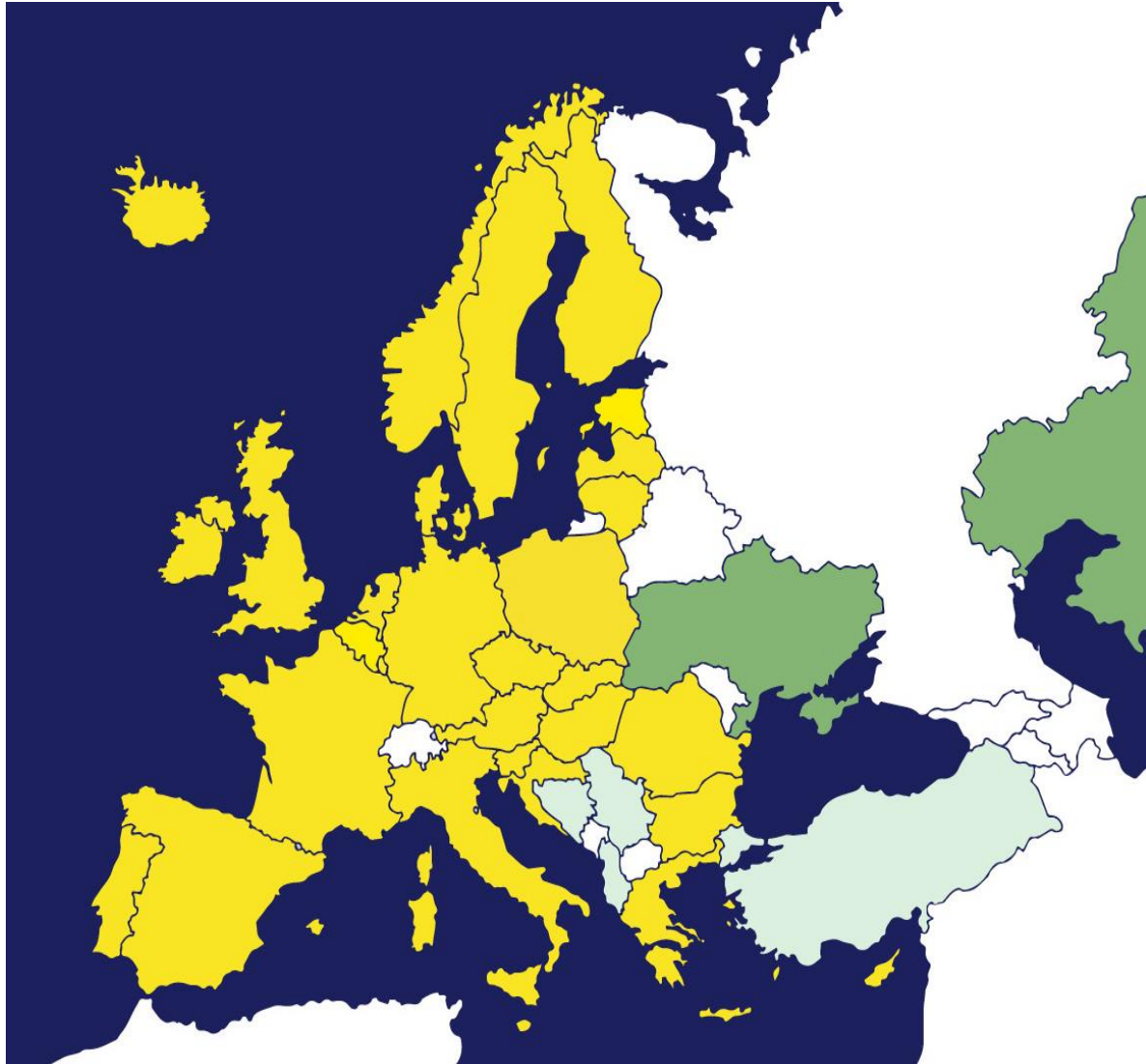


# MEMBERSHIP

- Membership of the EUFJE is open to all judges interested in environmental law who are members of the CJEU, the ECtHR or a court or tribunal of a Member State of the European Union, an EU Member State. Free Trade Association or a former member state of that organisation, as well as any judicial or judges' organisation in one of these states.
- EUFJE currently has **members, associate members, honorary members** and **observers** in 40 different countries and more than 150 courts. Judges or courts from EU candidate member states may be admitted as observers. Judges or courts from third states can be accepted as associate members.
- Members who retire as judges may become honorary members.
- Members of the EUFJE may be administrative, criminal, civil judges or courts at all levels of the judiciary, experienced or interested in handling environmental cases.
- A representative of the European Commission, the Council of Europe, the United Nations Environment Programme and, subject to the approval of the General Assembly, other international organisations, may participate in the activities of the association as observers. Translated with [www.DeepL.com/Translator](http://www.DeepL.com/Translator) (free version).



# EUFJE Map



## EUFJE Members

Austria  
Belgium  
Bulgaria  
Cyprus  
Czech Republic  
Croatia  
Denmark  
Estonia  
Finland  
France  
Germany  
Greece  
Hungary  
Croatia  
Denmark  
Estonia  
Finland  
France  
Germany  
Greece  
Hungary  
Iceland  
Ireland  
Italy  
Latvia  
Lithuania  
Luxembourg  
Malta  
Netherlands  
Norway  
Poland  
Portugal  
Romania  
Slovakia  
Slovenia  
Spain  
Sweden  
United Kingdom

## EUFJE Associated Members

Australia  
Democratic Republic of Congo  
India  
Israel  
Georgia  
Kazakhstan  
Ukraine  
Turkey

## EUFJE Observers

Albania  
Bosnia Herzegovina  
Kosovo  
Serbia  
Tribunal de la Energía Nuclear  
ECJ  
OECD



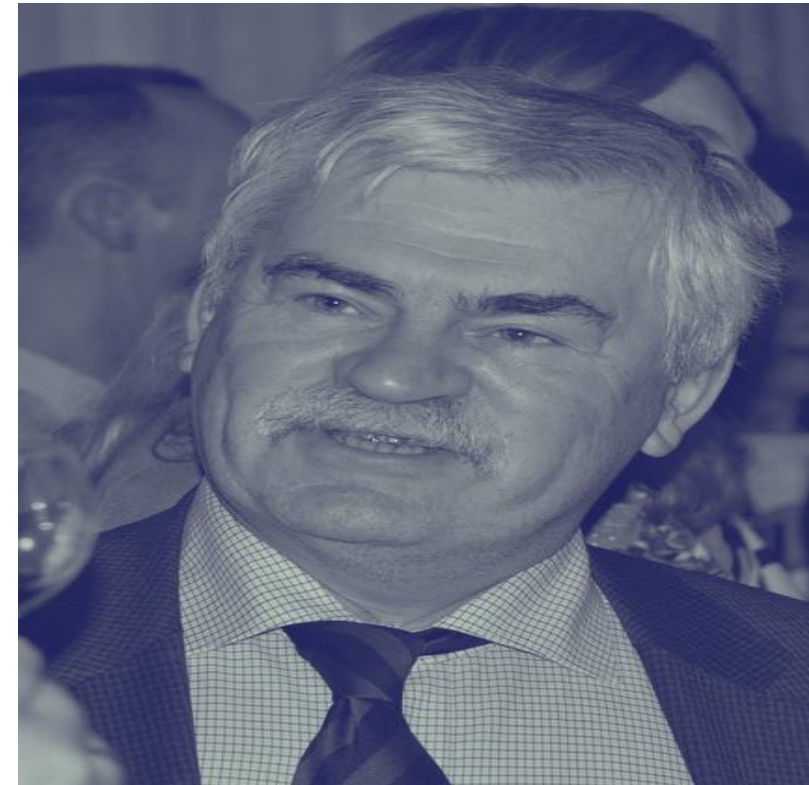
# MANAGEMENT TEAM

- **EUFJE PRESIDENT**  
**LUC LAVRYSEN**

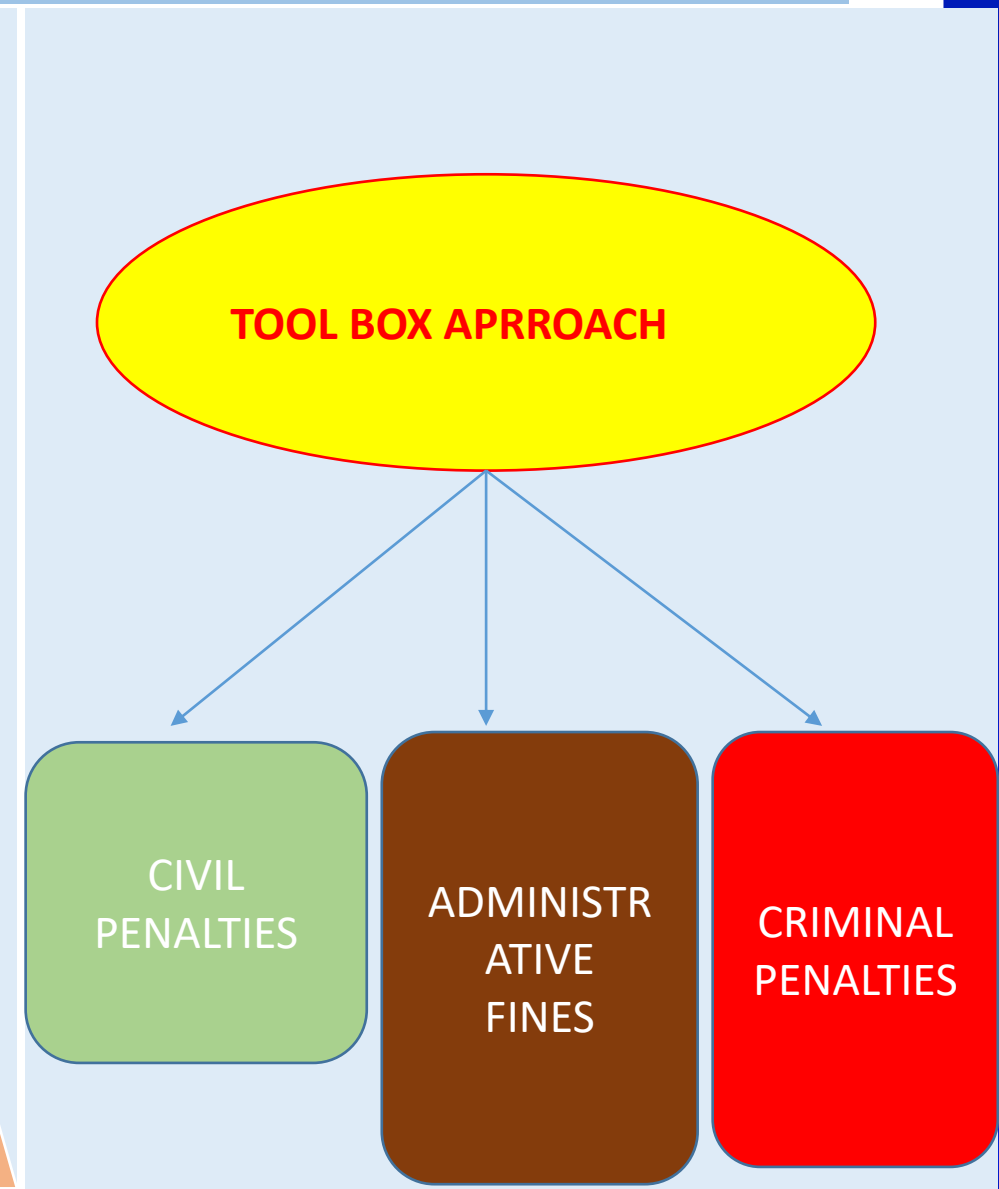
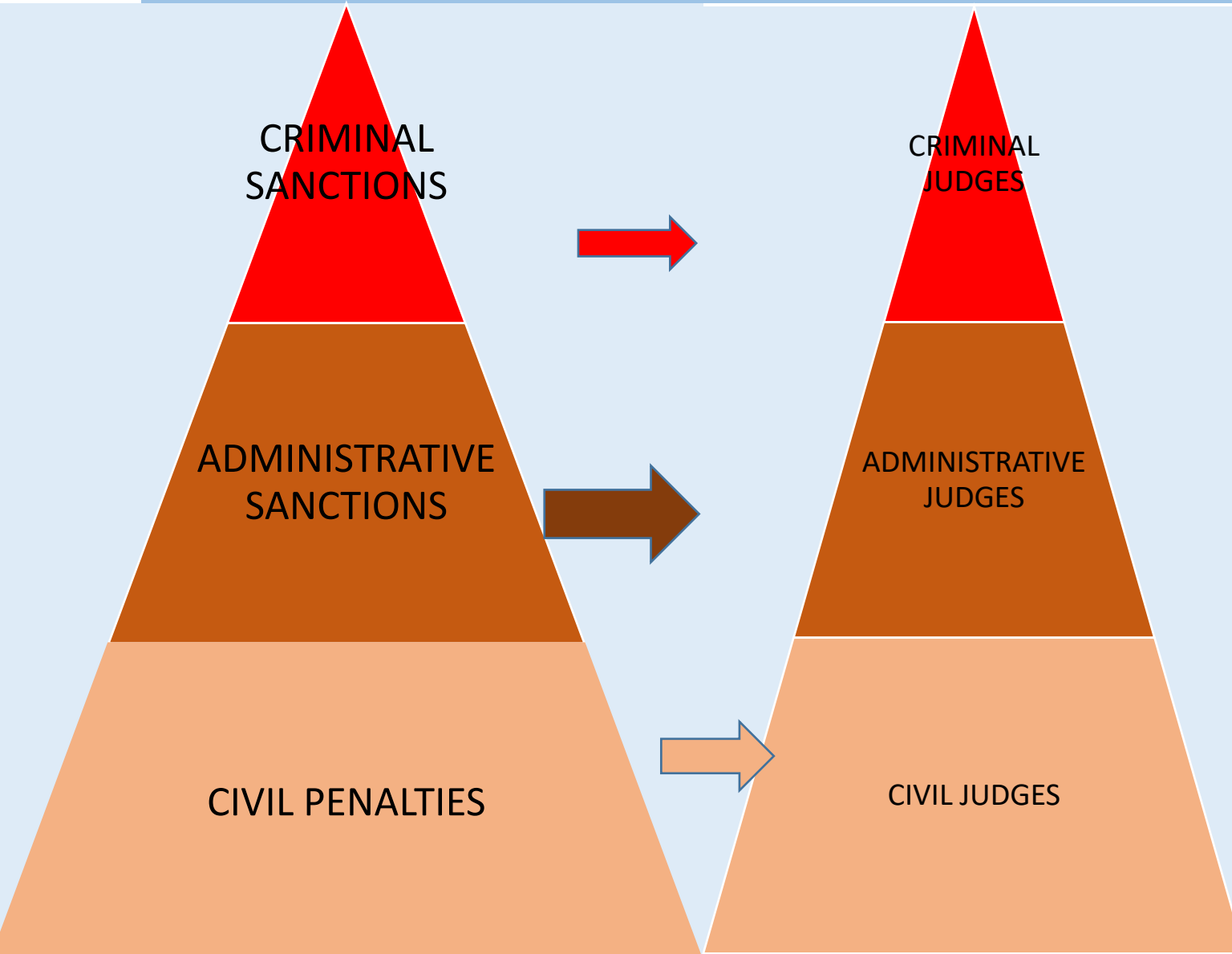
**EUFJE**  
**VICEPRESIDENT KEITH LINDBLON**

**EUFJE SECRETARY**  
**FARAH**  
**BOUQUELLE**

**FRUZZINA BÖGÖS**  
**SECRETARY-**  
**GENERAL OF EUFJE**



# LAST RESORT PRINCIPLE AND EUFJE



# ANNUAL CONFERENCES

- Paris 2002. Climate Law and Litigation.
- Online conference 2021 - Cooperation between the CJEU and national judges in environmental cases.
- Online conference on air pollution law 2020.
- Helsinki 2019: the use of science in environmental adjudication.
- Sofia 2018: training and specialisation of the judiciary in environmental law.
- Oxford 2017: Climate change and the judiciary.
- Bucharest 2016: Human rights and environmental law enforcement.
- Bolzano 2015: Environmental protection through criminal law.
- Budapest 2014: Environmental Impact Assessment.
- Vienna 2013: Access to justice in environmental matters.
- The Hague 2012: The role of EU environmental law in Member States' courts.
- Warsaw 2011: Environmental protection and urban and rural planning.
- Stockholm 2009: Integrated Pollution Prevention and Control Directive.
- Paris 2008: Soil pollution.
- Luxembourg 2007: Criminal enforcement of environmental law.
- Helsinki 2006: Natura 2000.
- London 2005: Waste legislation.
- The Hague 2004: training and specialisation in environmental law.



**SATEC**





# INTERNATIONAL CRIMES: INTERNATIONAL COOPERATION

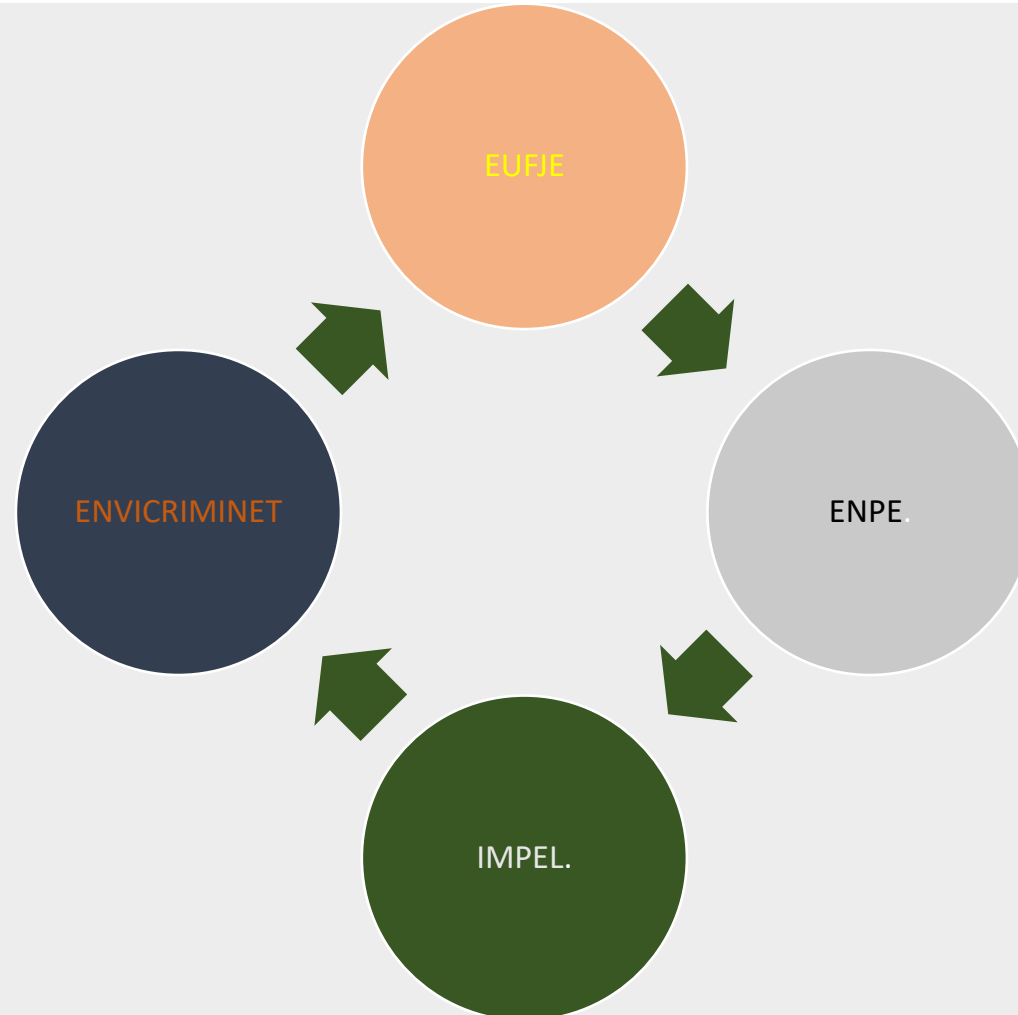
- EUFJE regularly collaborates with the Environmental Law Working Group of the Association of European Administrative Judges (AEAJ) and the European Network of Prosecutors for the Environment (ENPE) by inviting representatives of both networks to annual conferences and sending representatives to their general meetings or workshops. Furthermore, EUFJE is, together with AEAJ and the Association of Councils of State (ACA-Europe), represented in the general assembly and steering committee of the training programme on "Cooperation with national judges and prosecutors in the field of EU environmental law" funded by the Commission, which is now implemented by the Academy of European Law.
- EUFJE also collaborates with the Environmental Law Working Group of the AEAJ in the framework of the Commission's Expert Group of National Judges on Access to Justice in Environmental Matters.
- The EUFJE will also develop links with the EJTN and its main partners in the framework of the European Judicial Training Pilot Project.



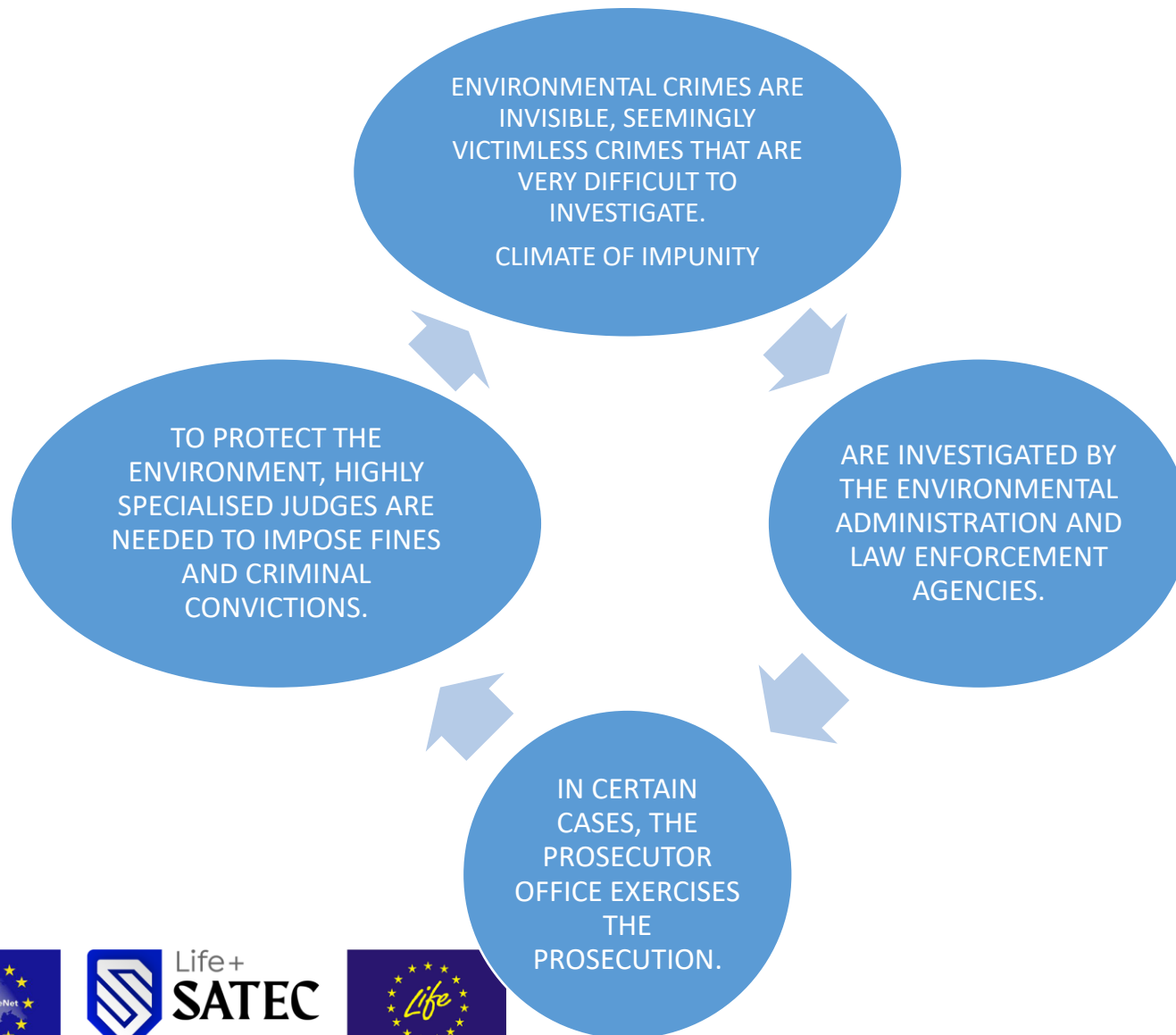
SATEC



# THE FOUR INSTITUTIONAL PILLARS



# THE JUDICIAL CHAIN: CLOSING THE CIRCLE



# ENVIRONMENTAL CRIMES

- According to UNEP and Interpol estimates in 2016 the annual loss caused by environmental crime is between **USD 91 billion and USD 258 billion**. This includes the loss of legal commerce and the loss of tax revenue. It does not include the economic value of natural ecosystems.
- This makes environmental crime **the fourth largest criminal activity in the world** after drug smuggling, counterfeiting and human trafficking, growing at a rate of between 5 and 7 percent per year, two to three times the pace of global economic growth.
- Italy become a describe as **Ecomafia**



**S.O.C.T.A.**  
(Serious and Organised Crime Threat Assessment)  
**Has included environmental crimes since 2017**

**M.A.S.P.s**  
**Have included environmental crime as a priority**



# THE NEW ECD

- In a joint Position Paper, the environmental enforcement networks **IMPEL, ENPE, EUFJE and EnviCrimeNet welcomed the proposal for a new ECD**, especially the provisions on resources, training, investigative tools and cross-border and cooperation.
- The current proposal is part of the wider package of initiatives under the **European Green Deal**. It aims at improving how the EU defines criminal offences related to pollution, waste and threatening biodiversity and other natural resources. By improving how Member States address the most serious environmental offences, the proposal will contribute to the Green Deal's overall goals of tackling the climate crisis, environmental degradation, pollution and loss of nature and will contribute to strengthening the environmental rule of law.
- The legal basis for the proposed Directive is Article 83(2) TFEU. The proposed directive **establishes minimum rules concerning the definition of criminal offences and sanctions to protect the environment more effectively** (article 1).



**4 NETWORKS DAY**

IMPEL ENPE EUFJE ENVI CRIME NET

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

**Together in the fight against  
environmental crime**

Date: 21 May 2021  
Time: 09:00 - 12:30 | 13:00 - 16:15 CET  
Location: online, hosted by LIFE+ BATEC

EUROPEAN UNION

Life+ SATEC

**ZERO POLLUTION**  
by 2030  
without harming the economy

ENVI CRIME NET

The poster features a background image of green interlocking rings. At the bottom right, there is a small graphic of a blue and white 'S' logo.

THE MAIN POINTS OF THE PROPOSAL FOR A  
NEW EU ENVIRONMENT  
DIRECTIVE,  
COM (2021) 851 FINAL

DATA COLLECTION

INVESTIGATIVE  
TECHNIQUES

FREEZE AND  
CONFISCATION

INTERNATIONAL  
COOPERATION

TRAINING

***A NATIONAL  
STRATEGY ON  
COMBATING  
ENVIRONMENTAL  
CRIMINAL  
OFFENCES***



# THE IMPORTANT ROLE OF JUDICIARY IN THE THIRD PILLAR OF THE AARHUS CONVENTION

- The Forum is involved in the activities of the Aarhus Convention (UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters), especially those of the Task Force on Access to Justice.
- This includes performing analytical studies on different aspects of the implementation of the Aarhus Convention, developing best practices, further development of the database on Aarhus case law and the preparation of capacity building activities for judges.
- Fruzsina Bögös, secretary-general of EUFJE, is a member of the Aarhus Compliance Committee.



# BIOVAL

- The BIOVAL project is a joint project of EUFJE, IMPEL and ENPE and intends to create a non-binding, practical instrument to value ecological damages in court.
- BIOVAL focuses not on sanctioning, but on financial restoration.
- Similar instruments are used to assess compensation amounts health, material, economic, and ecological damages.
- For example, the Belgian "Indicative Table" for human and material damage' that was set up by judges and is accepted and used as the standard in all Belgian courts for many years.
- 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.





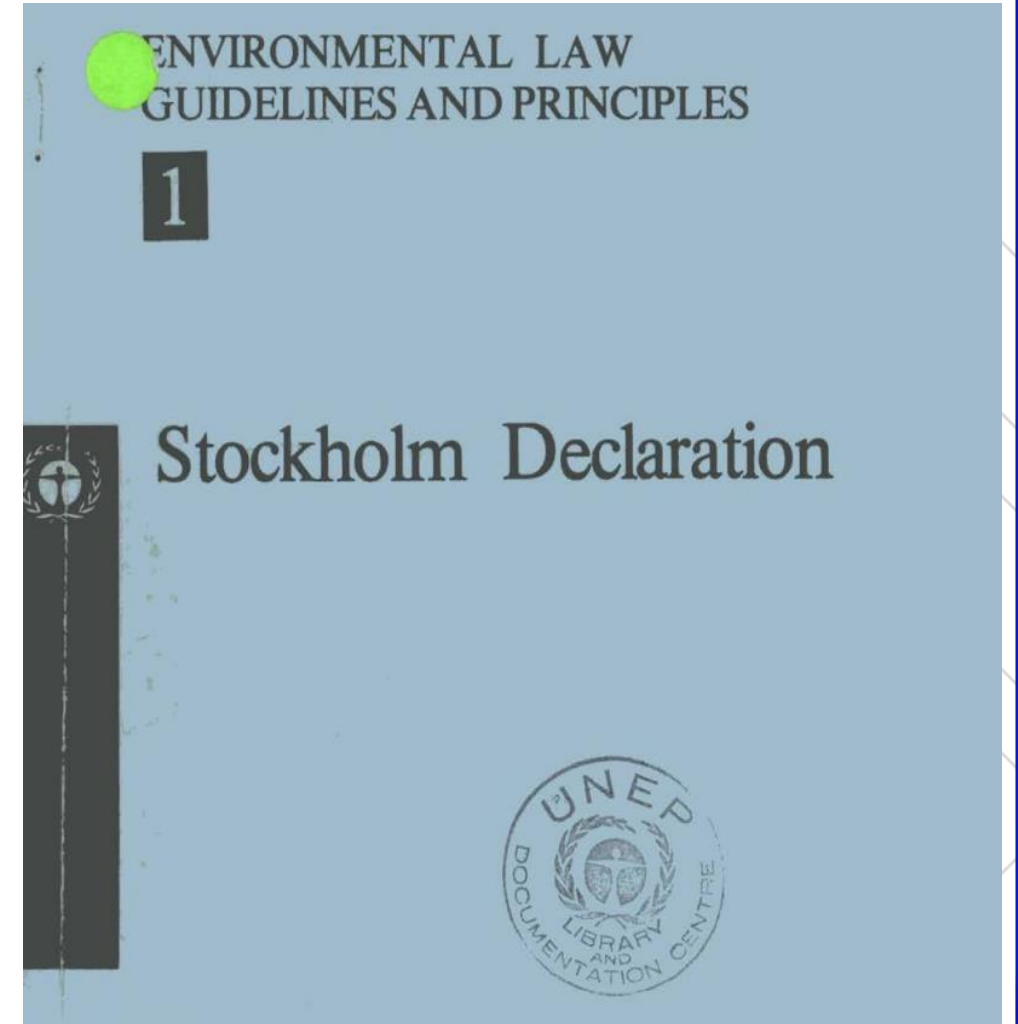
- The **European Commission**, DG Environment supports the activities and secretariat of EUFJE.
- The Forum is regularly consulted by DG Environment of the European Commission when developing proposals for EU legislation with a particular relevance for judges, such as the access to justice proposal, the legal instrument on environmental inspections or when the Commission is evaluating existing legislation such as the environmental crime and the environmental liability directive.
- EUFJE contributed to the evaluation of the EU Action Plan against Wildlife Trafficking on request of the European Commission.
- **EJTN** and EUFJE cooperates actively.
- EUFJE is participating in the DG Environment sponsored project “Support for Cooperation with National Judges in the Field of Environmental Law” that is executed from 2013 on by the Academy of European Law (**ERA**) in Trier.
- EUFJE is a partner in the **LIFE project** to develop the network and to undertake a programme of support for the operative work of prosecutors.

## EJTN Exchange programme

### Specialised exchanges in environmental law

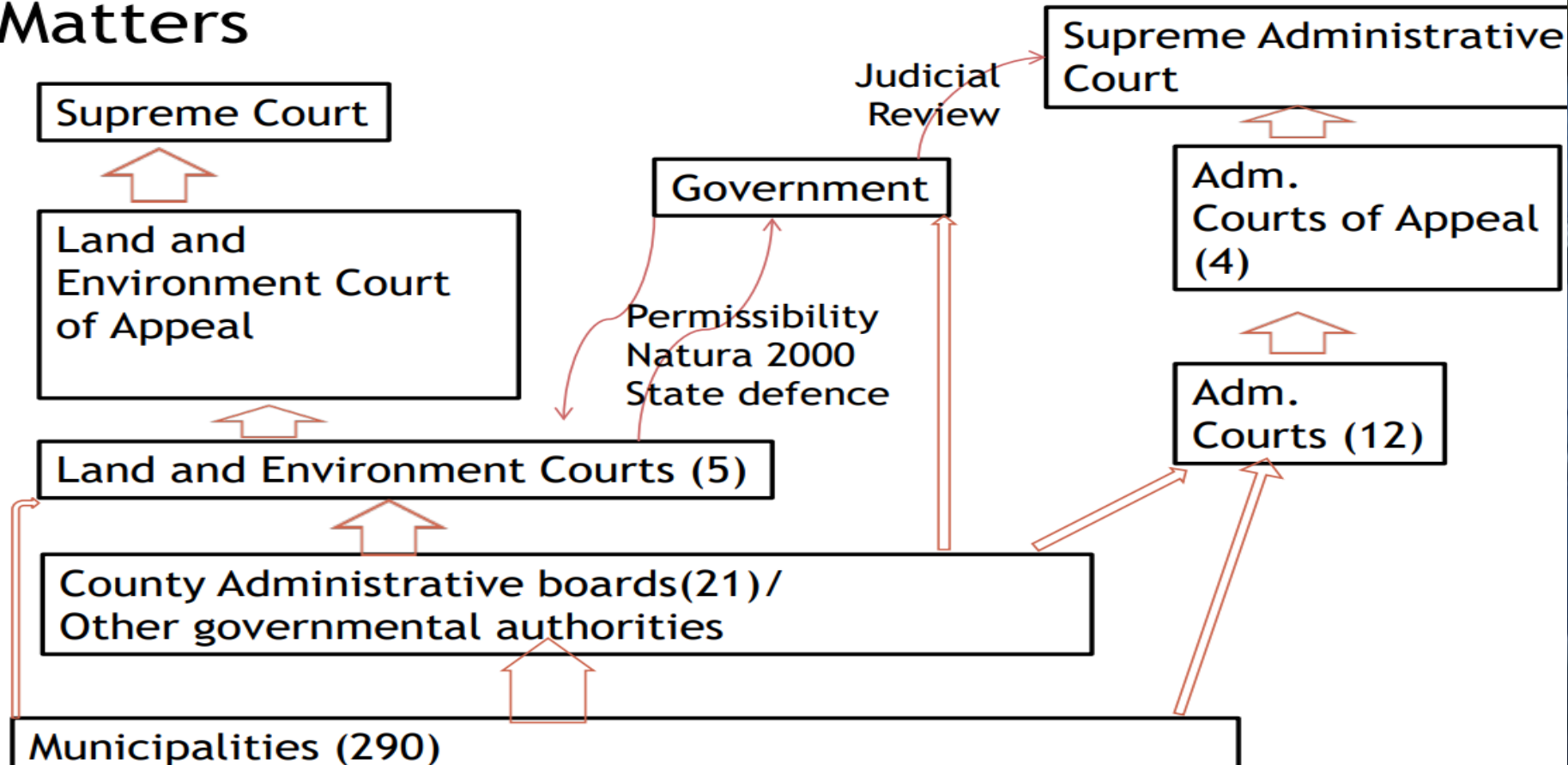
	2015	2016	2017	2018
Total exchanges environmental law for judges	4	9	7	7
Through EUFJE	4	4	4	2
Through EJTN members	0	5	3	5

- In 2022, a **Political Declaration will be adopted to commemorate the 50th anniversary of the 1972 Stockholm Conference** on the Human Environment and the creation of the United Nations Environment Programme (UNEP).
- **But international law is no easy business.** While diplomats negotiate the law, it is lawyers, judges, and jurists more generally who apply it on a daily basis. With their practical perspective, jurists can provide diplomats with the tools to make international law effective. To this end, we gather insights from practitioners and professors around the world to make the 2022 Declaration a game-changer for the environment.



# SPECIALIZED COURTS TOWARDS TO GREEN JUSTICE: SWEDEN

## Swedish Court System in (most) Environmental Matters



# DIFFERENT SPECIALIZED ENVIRONMENTAL COURTS IN EUROPE

- **FINLAND** 1 EC = The Administrative Court of Vaasa (trial-level) handles all Environmental and water cases \*\*\*The Supreme Administrative Court, had an EC chamber in 2008, but has merged that into the general-jurisdiction First Chamber with other non-environmental subject. Vaasa Administrative Court of Appeal.
- **MALTA** 1 EVIROMENTAL AND PLANNING REVIEW.
- **SPECIALIZED CHAMBERS IN THE SUPREME COURT:** NETHERLANDS, SPAIN , GREECE AND ITALY.
- **ENVIRONMENTAL ADMINISTRATIVE COURTS AND APPEAL BODIES:** ENVIRONMENT AND FOODS APPEAL IN BOARD IN DENMARK, COUNCIL FOR PERMIT DISPUTE IN BELGIUM, ICELAND, BOARD PLEANALA IN IRELAND, SOME ADMINISTRATIVE REGIONAL COURTS IN SPAIN.
- **IRELAND PLANS FOR A PLANNING AND ENVIRONMENTAL LAW COURT AS A SEPARATE LIST IN HIGH COURT.**



# TOWARDS THE GREEN JUSTICE: SPECIALIZED ENVIRONMENTAL COURTS: FRANCE

- Law No. 2020-1672, of December 24, 2020, regarding the European Public Prosecutor's Office, environmental justice and specialized criminal justice. A law oriented, precisely, to the specialization of criminal justice in environmental matters.
- The circular emphasizes the judiciary as a critical agent in social regulation for preventing, sanctioning, and repairing environmental damage in all of its forms.
- This law has created 36 specialized within one first Instance Courts, 1 per jurisdiction of 36 different Courts of Appeal, only for complex environmental cases. The complexity is determined according to the following criteria:
  - The technical nature of the case
  - The scope of the damage from both an economic and an ecological point of view, it being specified that the value of the ecosystem must also be taken into account; and
  - The geographic remit



# RELEVANT EXAMPLES OF GREEN BENCHES

**Chile Environment Courts.** In 2012, Chile's National Congress authorized 3 substantially autonomous ECs, with multidisciplinary panels of judges, and made them independent of the administration and not directly part of the existing judicial system, but under the administrative, policy and financial review of the Supreme Court. It has been foreseen that this number increase from 3 to 16 (July 2022).

In **Pakistan** each court has a designated green bench judge presiding over environmental related cases.

**China has 130 Ecs.**

**Australia** has 7 ECs and 5 ETs

**New Zealand** has 4 ECs and 1 Ets.

**USA** Hawaii and Vermont have environmental Courts.

**India** The National Green Tribunal was established in 2010.



# ENVIRONMENTAL COURTS IN THE WORLD: AFRICA

## ECTs in Africa

Country	No. of ECs	No. of ETs
Benin	0	0
Botswana	0	5
Burundi	1	0
Cabo Verde	0	0
Cameroon	0	0
Egypt	0	0
Eswatini	0	0
Gambia	1	0
Ghana	16	0
Ivory Coast	0	0
Kenya	27	2
Lesotho	1	0
Madagascar	3	0
Mali	0	0
Mauritius	0	1
Mozambique	0	0
Nigeria	12	1
Rwanda	0	0
Sierra Leone	1	0
South Africa	0	1
Sudan	0	0
Zambia	0	11
<b>TOTAL</b>	<b>62</b>	<b>21</b>

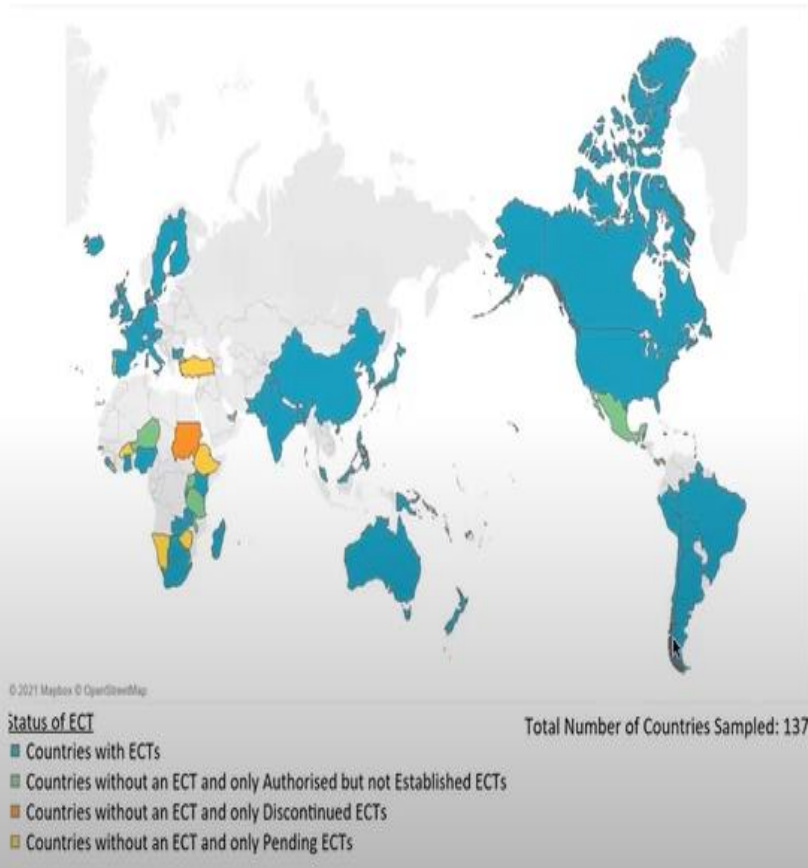
## ECTs in Africa – main observations

- Most developed ECs: **Kenyan "Environment and Land Courts"** (in 26 counties, 51 judges), **National Environmental Tribunal (NET)** and 1 environmental ombudsman (NECC)
- **16 Land and Environmental divisions** of High Court in Ghana, Land Courts in Lesotho, "Cour Spéciale des Terres et autres Biens" Burundi: mainly land matters
- New since 2016: Special Court for Fight against Rosewood and Ebony Trafficking in **Madagascar**
- **21 operational ETs mainly competent for appeals against land use, planning, water decisions** (Water Tribunals in South Africa and Kenya, Planning Tribunals in Zambia and Nigeria), but Environment and Land Use Appeals Tribunal (ELUAT) in Mauritius has broader competence



# ENVIRONMENTAL COURTS AND TRIBUNALS ALL OVER THE WORLD

Global Distribution of ECTs



Countries develop their ECTs based on their needs for environmental jurisprudence, while also taking into account the flexibility of their legal frameworks.

Some countries have massive ECTs' development like China where more than 1,353 ECTs were established since 2016,

some are maintaining their ECTs like India and Pakistan,

while some decided to establish 'green benches' instead like Indonesia and Thailand.





¡THANK YOU  
VERY MUCH  
FOR YOUR  
ATTENTION!

## Contact

EU Forum of Judges for the defence  
of the environment

Koningsplein 71000 Brussels  
(Belgium)

Phone: +32 (0) 472 936605

Email: [farah.bouquelle\(at\)eufje.org](mailto:farah.bouquelle@eufje.org)

Skype: farah.bouquelle number:  
0871.017.339

