

AEAJ General Assembly 15th of October 2021

Report from the working group on Environmental Law

The working group Environmental Law consists of 64 members coming from 23 countries: Austria (4), Belgium (1), Bulgaria (3), Czech Republic (1), Estonia (1), Finland (5), France (3), Germany (9), Greece (2), Hungary (2), Italy (5), Latvia (2), Lithuania (3), Luxembourg (1), Netherlands (1), Poland (1), Portugal (1), Romania (2), Slovenia (1), Spain (8), Sweden (4), UK (3), Ukraine (1). We have furthermore one honorary member from Japan and four observers.

1. AEAJ workshop via Zoom on 7 – 8 October 2021

Due to the Covid 19 pandemic, the annual workshop for 2020 was postponed till 2021 and was then held via Zoom. The title of the workshop was “Environmental Law and its illustrative Cases - A “tutti frutti” in the shade of the pandemic”.

The workshop was attended by 21 AEAJ members from 11 countries (Austria, Estonia, Finland, Germany, Greece, Italy, Netherlands, Portugal, Lithuania, Bulgaria and Sweden). Our honorary member from Japan, our observer from the European Commission was also participating in this workshop.

Matthias Keller and Anders Bengtsson welcomed the participants whereafter the participants presented themselves and made a short summaries of the national situation, with a focus on environmental law.

René Seerden, senior judge at the District Court of Limbourg presented “Access to justice in the Netherlands after the ECJ-case C 826/18”.

Daniele Franzone, former senior expert - European Commission – DG Environment gave a presentation of “Recent CJEU case law on access to justice”.

Dr Sanja Bogojevic, gave some inspiring thoughts on “Litigation in times of climate change – what role for judges?”

These speeches was followed by three national reports on Climate Litigation in Court, with the perspectives from the Netherlands (René Seerden), Ireland (Dr Andrew Jackson, University College Dublin) and Germany (Dr Jan Frederik Eller, Administrative Judge at the Administrative Court in Hamburg).

On Friday Ana Celeste Carvalho, PhD in Law, Appeal Administrative Judge, President of the Administrative and Tax Courts of Lisbon, Azores and Madeira, presented “The Inquisitory Principle in Administrative Justice”. This contribution was followed by a discussion on national experiences.

PhD Candidate Sonja Kahl, University of Freiburg, presented “Environmental litigation before regional international courts in Africa and Latin America”.

Before summing up and informing on plans for next years’ workshop, we had a discussion on national experiences of climate litigation.

2. Other conferences

Members of the working group participated as speakers at joint EJTN/ERA/AEAJ conferences on environmental law in Trier the 25 - 26 May (via Zoom) and 28 – 29 September 2021 (face to face).

3. EU programme “Support for Cooperation with National Judges in the Field of Environmental Law”

During 2019 and 2020 members of the working group have participated and/or lectured in several of these workshops organized by ERA - workshops that are free of charge and financially supported by the European Commission.

4. Future activities

The WGs annual workshop for 2022 will be held in Lisbon (Portugal) the 13 – 14 October. The topic for that years’ workshop has not yet been decided.

Anders Bengtsson

Matthias Keller