

December / 2024

## Justice and Environment Newsletter

In this edition, we bring you a roundup of critical developments and initiatives shaping environmental protection and climate action across Europe. Discover key findings from our latest projects, including practical recommendations for sustainable practices, insights and recent legal victories!

### Decarbonising Steel: Legal Strategies for Sustainable Future

J&E undertook a targeted research of the possible legal strategies to apply in order to support the decarbonisation of the European steel sector. [The research](#) was conducted in six countries within and outside the European Union namely Bulgaria, Bosnia and Herzegovina, Croatia, Czechia, Hungary and Poland.

J&E has proposed practical measures to promote climate-friendly practices in the steel industry, including enhanced monitoring and comprehensive legal reviews.



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[Questionnaire](#) to improve the work of

## environmental and climate defenders in Europe

We invite all environmental and climate defenders, especially young people, to share their views on the challenges they face in the fight for environmental and climate protection in Europe.

The questionnaire aims to better understand the risks faced by environmental and climate defenders across Europe and to identify the essential resources they need most.



The results of the questionnaire will serve as a foundation for developing guidelines and resources to strengthen support and safety for activists, contributing to more effective environmental protection efforts through concrete policy recommendations for the European Union and proposals for civil society.

The responses will remain anonymous, and all data will be used exclusively to develop policies aimed at improving the protection and support for environmental and climate defenders.

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## Climate rights for legal action and policy making

On 15th October 2024, J&E hosted the conference in Brussels, focusing on the vital link between human rights and climate change.

This event, held at the EU Committee of the Regions, brought together 150 participants from across Europe and highlighted the recent European Court of Human Rights rulings, affirming that climate protection is a fundamental human right.

The event empowered legal actions and promoted policy-making that prioritises climate justice, fostering a collaborative approach to tackling climate-related challenges.



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## Legal Victories: Inclusive and Environmentally Conscious Decision-making in Hungary

J&E Hungary (EMLA Association) could score a few legal victories at

courts lately, however, these are relatively small steps only, towards a more inclusive environmental decision-making that is taking ecological considerations into due account.

In September, the permit of a planned marina development in the Lake Balaton was quashed by the Court due to procedural deficiencies of the permit. Still in September, the environmental permit issued after an EIA procedure of a planned new bridge in Budapest was annulled by the Court, due to inadequacies of the impact assessment. The project developer did not assess the environmental impacts of the excess traffic that will inevitably appear at the ends of the bridge.



In early October, we learned that a long disputed open case gravel mine near the River Danube (which is a Natura 2000 area) will not be opened after the competent mining authority was not satisfied by the answers of the mining company provided in the Environmental Impact Statement regarding the protection of underground waters and arable lands.

In the middle of October, a planned tree felling in the flood protection area of the River Danube (to start on 1 November) was stopped by the Court via an injunctive relief, referring to the irreversible impact of a potential tree cutting, until the end of the basic court procedure contesting the respective permit. Also in mid October the environmental permit of a railway development - mistakenly planned next to densely populated areas within Budapest, was annulled by the Court, already for the third time, and this time due to procedural deficiencies of the permit.

All these legal victories are worth nothing if the ensuing procedures are not better, more ecological or more inclusive.

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**Joining Forces for Environmental Human Rights Defenders**

On 8th October 2024, J&E participated in a meeting in Brussels, organised by UN Human Rights in partnership with UNEP, UNECE, the Council of Europe, and the Fundamental Rights Agency.

The focus of **the event** was on joining forces to better protect Environmental Human Rights Defenders in Europe.

Keynote speakers included Csaba Kiss, J&E Coordinator, Michel Forst, UN Special Rapporteur on Environmental Defenders, and Elisa Morgera, UN Special Rapporteur on Human Rights and Climate Change.

The 50+ participants, representing NGOs, academia, and UN and EU institutions, agreed to continue the discussion and explore the possibility of organising an Environmental Human Rights Defenders Forum in Europe in 2025.

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### New SLAPP Leaflet

Check out our [new SLAPP leaflet](#) with essential information on the new EU anti-SLAPP Directive and the new COE anti-SLAPP Recommendation.



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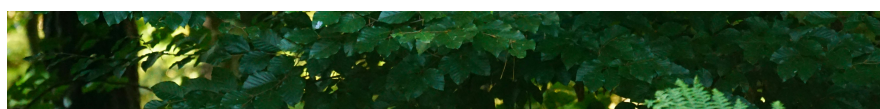
### Strictly protected or only protected species?

The Austrian Administrative Court (VwGH) dealt with a case regarding the right of environmental organisations to challenge a decision ordering the forced culling of chamois, a species listed in Annex V of the EU Habitats Directive (FFH).

Although the relevant hunting act limits environmental organisations' rights to challenge decisions related to strictly protected species in Annex VI, the VwGH ruled that environmental organisations must be able to challenge culling decisions involving Annex V species as these killings must also comply with EU environmental law.

With reference to the ECJ the VwGH emphasised that also the culling of Annex V species must be based on monitoring the species' conservation status. Removals are not permitted if the conservation status is unknown.

Although protected species can be hunted more easily than strictly protected species, their removal is also subject to restrictions, especially if their conservation status is unfavourable. In such cases it is generally necessary to impose measures such as hunting bans.





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## **Austria Delivers Final Report to Aarhus Compliance Committee**

In 2010, ÖKOBÜRO filed a complaint with the Aarhus Convention's Compliance Committee, highlighting Austria's inadequate implementation of public access to environmental information, participation, and legal remedies.

In October of this year, the Committee determined that **Austria must enhance court access for environmental organisations**, particularly by guaranteeing their ability to challenge governmental decisions under all environmental laws.

Despite ongoing efforts, Austria's implementation remains deficient, with several issues: **limited legal remedies beyond EU environmental law, lack of recourse for inaction and certain environmental plans, and no participation in criminal environmental cases.**



Additionally, strict recognition criteria for environmental organisations hinder their involvement. **Austria faces potential legal action from the European Commission due to these gaps.**

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