

Video message/ Speech

Ladies and Gentlemen,

Welcome to this milestone event to celebrate the 70th birthday of the European Commission's Legal Service.

Dear Members of the Legal Service, judges, prosecutors, enforcers, civil servants, academia, lawyers, and other professionals: you all have a core role in ensuring a greener and sustainable future.

As the youngest Commissioner and a true European, I am delighted that this conference addresses inter-generational justice and climate litigation. In my intervention today, I am going to focus on how to enable this journey further.

The world is changing rapidly. We were barely out of the pandemic when Russia invaded Ukraine. We are facing tremendous geopolitical challenges which we must address quickly and effectively.

Even so, the planetary crisis remains the defining crisis of our times. We cannot postpone climate change and biodiversity loss while we deal with other priorities.

We need decisive action without delays. We need to integrate environment and climate in our decisions and strengthen the environmental rule of law.

The European Commission continues to deliver on the European Green Deal. And we keep climate and environmental issues on the top of the EU agenda. There will be no sustainable future without tackling the interconnected climate, biodiversity, and pollution crisis.

It is not sufficient, however, to just deliver new initiatives. Green transition needs to happen on the ground.

To achieve this, we need to strengthen **the environmental rule of law** and ensure that laws are widely understood, respected, and enforced. This will bring benefits to people and will contribute to guarantee the future of the planet.

We also need to involve citizens at each step – from policy-making to implementation – and safeguard their rights by way of effective court procedures.

To ensure a successful green transition, we also need a change of paradigm. We need to treat our precious environment with care.

Let me insist on that duty of care – not only as something passed on to us by our ancestors for our benefit, but as something to pass on to our descendants for their well-being. Future generations will suffer the consequences of our negligence and inaction. **Inter-generational justice** must guide our actions, today and tomorrow.

Ensuring intergenerational equity is a collective responsibility. On this journey, all stakeholders need to have their say and contribute to the fight against environmental degradation and climate change.

We have seen that young people around the world are ready to take to the streets to demand decisive action against climate change.

Young people take this responsibility seriously and raise their voice to seek climate justice for all generations.

And if citizens are active in the streets, they are also active in courts. Climate change litigation and environmental litigation are on the rise. Citizens are using the law to fight against the environmental violations of current and future generations' rights.

Access to justice in environmental matters and public participation in environmental decision-making are key enablers to ensure inter-generational justice.

Everyone's ability to enjoy their rights – to life, health, food, and water – depends on a healthy environment, including the multiple benefits that ecosystem services provide. This includes the rights of children, women, indigenous peoples, and local communities who are particularly vulnerable to the impacts of climate change and environmental degradation.

Effective access to justice is the foundation of functioning democracies and it empowers communities to protect the environment in which they live.

For instance, while EU air quality laws give citizens the right to participate in decision-making, they also provide protection rights in national courts. These rights are safeguarded by the Aarhus Convention and by the Union legal order.

In a system based on the rule of law and on accountability, such as our EU legal order, executive powers are subject to checks and balances. Scrutiny and control ensure that powers are used in line with the law.

Whether we are talking about EU level regulation on air quality **or** decisions impacting local communities, **the EU standards**

implementing the Aarhus Convention help enforce compliance with EU law.

Recent legal changes made it easier for the public to scrutinise EU decision making if there is evidence of a negative impact on environmental protection.

National and local authorities take many important decisions when applying EU environmental laws - for example, when issuing permits for infrastructure projects or industrial installations that may pollute nature and soil, air or water, or affect human health.

Well, such decisions deserve greater public scrutiny. Civil society needs to be empowered to take legal action, because nature cannot represent itself in Court.

Existing EU environmental legislation already contains several safeguards ensuring a high level of environmental protection. In addition, the Court of Justice of the European Union has recognised that legislation can confer the right on individuals and NGOs to challenge decisions or inaction by public authorities which infringe these rights.

EU laws on impact assessment, industrial emissions and on environmental liability create rights, which can be invoked by individuals and environmental associations before national

courts. Environmental associations are also entitled to bring judicial challenges related to the protection of nature.

Moreover, we aim to further ensure that citizens can exercise rights to obtain environmental information, participate in environmental decision-making, and go to Court on environmental matters.

Our newly tabled legislative proposals in the areas of nature, water and air have a particular focus on empowering citizens to safeguard their rights.

Last year, a major milestone was achieved in fighting climate change, giving citizens more rights to act: and that is the new Regulation to ensure that products sold on our market are 'deforestation-free'. It aims to reduce our impact on global deforestation and forest degradation. It also includes provisions enabling citizens to access justice.

New environmental laws will be equipped with similar governance safeguards.

The geo-political reality pushes policymakers, both at EU and national level, to quickly modernise energy infrastructures and rely on alternative sustainable energy sources.

This must go hand in hand with the guarantee of effective rights and participation of citizens and civil society. This trend is showcased in climate litigation and the extension of Aarhus rights to new areas, including product law.

Another key factor in strengthening the environmental rule of law is the deterrence of transgressions and the punishment of those who commit violations.

To improve **compliance with EU environmental law through criminal law**, the Commission tabled a landmark initiative for a new Environmental Crime Directive. This new law will also contribute to tackling climate change.

That new instrument would require Member States to criminalise several additional offences related to the most severe violations of climate legislation. The new Directive will further recognise the role of civil society in fighting environmental crimes. It will contribute to their protection and assistance in the context of criminal proceedings.

As policymakers, we have a responsibility to put in place good laws which are clear to citizens and easy to apply. But this is only one dimension.

To make legislation effective in practice, we rely on practitioners, on enforcers. The new Environmental Crime Directive will also strengthen the enforcement chain, which includes police, prosecutors, and judges. To support their effective cooperation and action, we have developed a fruitful cooperation with European networks of environmental prosecutors, inspectors, police officers and judges.

This exchange of good practices fosters innovative approaches also in climate litigation at both national and European level.

To be effective, practitioners need sufficient resources and specialist knowledge, and the Commission facilitates training and promotes the specialisation of the judiciary.

The national courts and judges play a pivotal role in safeguarding the rights of civil society.

We strongly support recent positive developments such as the creation of green courts or chambers which can increase procedural efficiency. A recent good example is in the Court of Appeal of Mons, where an environmental chamber was set up for the purpose of dealing with environmental cases.

It is only by working together that we can secure a better environment.

In addition to the legal tools available to citizens to contribute to inter-generational justice, we also need to **shift the attitude towards a rights-based approach for a healthy environment**. There is growing momentum at international level and in Member States to recognise the right to a healthy environment as a fundamental human right.

In July 2022, the UN General Assembly recognized a human right to a clean, healthy, and sustainable environment. Though not legally binding, this represents a strong political commitment from the UN members, including all EU Member States. Also, under the European Convention on Human Rights, the right to life is interpreted in an environmentally friendly way. We must be consistent with this trend and fully protect this right in policymaking.

Ladies and Gentlemen, we cannot ensure a healthy and sustainable life on our planet without tackling the triple climate, biodiversity, and pollution crisis. It is not a luxury; it is a pre-condition for a healthy and sustainable future.

Decision-makers must be accountable for their actions or inaction. This means that we need to maintain transparency in environmental decision making and reinforce public trust in

public authorities. We also need to empower citizens to defend their rights if there are any mistakes made on this journey.

Addressing climate change and biodiversity loss, protecting, and preserving the planet from pollution and resource depletion is an imperative responsibility for which we are accountable to current and future generations.

We must do our utmost to keep the ambition of the green transition and the environmental rule of law high on the political agenda. And this, despite the multiple crises and despite the voices that question this.

Thank you.