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Ref: Pre-admissibility

15 November 2017

Dr. Marcin Stoczkiewicz
Fundacja ClientEarth Prawnicy dla Ziemi
Warsaw, Poland

Dear Dr. Stoczkiewicz,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by the Poland with provisions of the Convention in connection with standing to challenge local laws that contravene national law relating to the environment

I refer to the communication submitted by you on 30 October 2016 on behalf of ClientEarth. The communication alleges that Poland fails to comply with article 9, paragraphs 3 and 4, of the Convention in connection with standing for environmental non-governmental organizations (NGOs) to challenge local laws that contravene national law relating to the environment.

I write to inform you that the Chair and the Vice Chair of the Compliance Committee have reviewed your communication and requested the secretariat to ask you to further substantiate your allegations as set out below.

Your communication alleges a systemic failure by the Polish legal system to grant environmental NGOs standing to challenge local laws that contravene national law relating to the environment. You have annexed four court judgments in support of your communication. However, only one of these, judgment II SA/Bk 507/13, appears to pertain to an environmental NGO seeking to challenge a law for convening national law relating to the environment. The other three judgments do not appear to relate to claims brought by environmental NGOs nor alleged contraventions of environmental law at all.

In the light of the above, you are invited to provide further examples of recent case law in which environmental NGOs sought to challenge a local law that contravened national law relating to the environment and were denied standing.

Please note that, in accordance with paragraph 21 of the annex to decision I/7, the Committee is required at all stages to take into account any available domestic remedies. Thus, for each of the judgments you provide (including judgment II SA/Bk 507/13), please explain whether or not the judgment could have been appealed to a higher court, and if it was so appealed, what the final outcome was. For any judgment for which the domestic remedies were not so exhausted, please explain why this was not done. Bearing the above in mind, you are strongly encouraged to adduce judgments to support your communication for which no further appeal would have been possible.

Please also note that the working language of the Committee is English. The Committee has no mandate or resources to work with documentation submitted only in Polish. Thus, please provide an English translation of each judgment on which you seek to rely.

We would be grateful to receive the above-requested information before **Monday, 29 January 2018**, in order that your communication may be considered for a possible determination of preliminary admissibility at the Committee's sixtieth meeting (Geneva, 5-9 March 2017).

I hope the above is of assistance. Please do not hesitate to contact the secretariat if you have any questions regarding the above.

Yours sincerely,



Fiona Marshall
Secretary to the Aarhus Convention Compliance Committee