

Economic Commission for Europe

Meeting of the Parties to the Convention on
Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters

Task Force on Access to Justice

Twelfth meeting

Geneva, 28 February and 1 March 2019

Key outcomes¹

as agreed by the Task Force on Access to Justice at its twelfth meeting²

I. Opening and adoption of the agenda

1. The Task Force adopted the agenda as set out in the document AC/TF.AJ-12/Inf.1.

II. Thematic focus: Access to justice in cases relating to air quality

2. The Task Force:

(a) Noted the close links between exposure to air pollution and effects on human health, especially for vulnerable groups, taking into account findings of the report of the Special Rapporteur on Human Rights and the Environment A/HRC/40/55 underlining the right to breathe clean air and the work undertaken under the UNECE Convention on Long-range Transboundary Air Pollution;

(b) Recalled that effective access to justice in cases related to air quality was crucial for the successful implementation of Sustainable Development Goals 3 (health), 11 (cities), 12 (sustainable consumption and production) and Sustainable Development Goal 16 with its target 16.3 (rule of law and access to justice);

(c) Encouraged Parties in consultation with stakeholders to take the necessary legislative and other measures to address existing challenges and further promote effective access to justice in cases relating to air quality, especially with regard to standing, choice of forum, timeliness, scope of review and access to adequate and effective remedies;

(d) Called to facilitate access to information, assistance and guidance to the public, especially to vulnerable groups, in seeking access to justice in cases related to air quality;

(e) Encouraged the continuation of the exchange of information, experiences, challenges and good practices with regard to access to justice related to air quality through the Aarhus Clearinghouse and the jurisprudence database.

¹ The document was not formally edited.

² The list of speakers, other documents, presentations and statements are available from: <http://www.unece.org/index.php?id=50570>

III. Follow up to the previous thematic session on access to justice in cases on the right to environmental information.

3. The Task Force:

- (a) Welcomed the progress in carrying out the study on access to justice in information cases in the European Union, Georgia, Germany, Ireland, Kazakhstan, Malta, Montenegro, Portugal, the Republic of Moldova, Serbia, Slovakia, Sweden and Switzerland launched under the auspices of the Task Force;
- (b) Thanked the national focal points and stakeholders of the above mentioned Parties for submitting the responses;
- (c) Took note of the draft report prepared by the Chair and invited interested Parties and stakeholders to provide comments by 8 April 2019;
- (d) Requested the secretariat to make the comments received available on the website and circulate the updated report for further comments;
- (e) Requested the Chair to report on the progress to the Working Group of the Parties (Geneva, June 2019) at its twenty-third meeting;
- (f) Invited the secretariat and partner organizations to explore the possibility to translate the final report in other languages and inform the secretariat about available translations;
- (g) Noted the initiative by Germany to carry out the socio-legal research project “Evaluation of the German Environmental Information Act” and invited to share the final outcomes of the project with the secretariat for further dissemination;
- (h) Encouraged Parties in consultation with stakeholders to take the necessary measures and allocate sufficient resources to address existing challenges and further promote effective access to justice in cases on the right to environmental information, especially with regard to timeliness, access to adequate and effective remedies and enforcement of the final decisions;
- (i) Invited Parties and stakeholders to continue the exchange of experience, good practices and challenges with regard to the application of article 9, paragraph 1, and other relevant provisions of the Convention through 2021 national implementation reports, jurisprudence database and the Aarhus Clearinghouse.

IV. Stocktaking of recent and upcoming developments

4. The Task Force:

- (a) Took note of the recent developments, challenges and lessons learned related to access to justice in environmental matters as presented by the speakers;
- (b) Expressed appreciation to Parties and stakeholders for providing information on recent developments and case-law to the Aarhus Clearinghouse and the jurisprudence database;
- (c) Encouraged Parties in consultation with stakeholders to develop additional measures and promote national dialogues as appropriate to address challenges with regard to standing, scope of review, burden of proof, access to effective remedies, financial barriers and access to legal aid and to continue information exchange on this matter;
- (d) Agreed to continue to focus on access to justice in cases relating to air quality in the current intersessional period with the aim to present the preliminary conclusions to the next meeting of the Task Force in 2021.

V. Tools to promote effective access to justice

5. The Task Force:

- (a) Welcomed initiatives of Parties and stakeholders as reported by the speakers aimed to monitor the effectiveness of access to justice in environmental matters and collect the relevant quantitative data on the practical implementation of article 9 of the Convention;
- (b) Noted an increasing demand for quantitative data related to access to justice in environmental matters;
- (c) Encouraged Parties, stakeholders and partner organizations to promote public participation in design, testing and implementation of digital initiatives linked to access to justice;
- (d) Encouraged Parties to continue developing specific arrangements in order to collect, coordinate, aggregate and process the information from various statistic providers needed for monitoring the implementation of article 9 of the Convention and provide this information in the 2021 reporting cycle (question XXX of national implementation report template);
- (e) Noted that such monitoring could contribute to in-depth review of environmental dimension of target 16.3 of Sustainable Development Goal 16 and called on Parties and partner organizations to undertake, support and promote similar initiatives;
- (f) Called on Parties and partner organizations to promote further building capacities and strengthen specialisation of judges, prosecutors, attorneys, public interest lawyers and other legal professionals in environmental cases in accordance with decision VI/3 of the Meeting of the Parties.

VI. Closing

6. The Task Force:

- (a) Agreed on the outcomes of the meeting as presented by the Chair and discussed under each item;
 - (b) Requested the secretariat, in consultation with the Chair, to finalize the meeting report and incorporate these outcomes.
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