

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

Item 1 of the provisional agenda

Opening and adoption of the agenda

Annotated provisional agenda for the twelfth meeting¹

To be held in Salle VII, Palais des Nations, Geneva
starting at 3 p.m. on Thursday, 28 February 2019

I. Provisional agenda

1. Opening and adoption of the agenda.
2. Thematic focus: Access to justice in cases relating to air quality.
3. Follow up to the previous thematic session on access to justice in cases on the right to environmental information.
4. Stocktaking of recent and upcoming developments.
5. Tools to promote effective access to justice.
6. Other business.
7. Closing.

II. Annotations

The Task Force on Access to Justice under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was established by the Meeting of the Parties to the Convention at its second session (Almaty, Kazakhstan, 25-27 May 2005). The Task Force's mandate was further extended in time by the Meeting of the Parties to the Convention through decision VI/3 on promoting effective access to justice, adopted at its sixth session (Budva, Montenegro, 11–14 September 2017)². The work's scope in this area was also outlined in the Strategic Plan 2015-2020 and the Work Programme 2018-2021 adopted through decisions V/5 and VI/5 respectively by the Meeting of the Parties at the fifth and sixth sessions³.

The present meeting aims to provide a platform for exchanging information, experiences and good practices with regard to key recent developments in the implementation of the access to justice pillar of the Convention and possible measures to remove barriers hampering its implementation. It thereby supports the implementation of environmental dimension of Sustainable Development Goals, in particular Sustainable Development Goal 16 and its target 16.3 (Promote the rule of law at the national and international levels and ensure equal access to justice for all)⁴ that undergo in-depth review in 2019⁵.

¹ The document was not formally edited.

² The text of decision is available from http://www.unece.org/env/pp/aarhus/mop6_docs.html

³ The texts of decisions are available from http://www.unece.org/env/pp/aarhus/mop6_docs.html

⁴ See United Nations General Assembly Resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development. More information is available from: <https://sustainabledevelopment.un.org/sdgs>

The thematic session of the meeting will focus on **access to justice in cases relating to air quality**. The Task Force will identify good practices, barriers, challenges, innovative approaches, priority actions and needs to promote effective access to justice in such cases thereby also supporting the attainment of Sustainable Development Goals 3, 11 and 12. In addition, delegates will continue the discussion on measures to **promote effective access to justice in cases on the right to environmental information** based on the preliminary findings of the survey launched at the previous meeting. Delegates also will take stock of **new developments** related to the implementation of the third pillar of the Convention on a general level. Furthermore, the participants will examine **tools to promote effective access to justice**.

The Task Force work is based on the outputs delivered at the previous meetings. The background material for the meeting includes relevant information derived from 2017 national implementation reports⁶ and the 2017 synthesis report⁷ as well as the Implementation Guide⁸, relevant Compliance Committee findings⁹ of a systemic nature, analytical studies¹⁰ and jurisprudence database¹¹.

Each session will feature brief introductory presentations on experiences of the Parties to the Convention and stakeholders related to the agenda items followed by contributors' interventions and interactive discussion. Delegates who are interested to make a presentation or statement at the meeting on key developments, emerging issues or issues of a systemic nature regarding the implementation of the third pillar of the Convention are invited to contact the secretariat (public.participation[at]un.org) as soon as possible, by **6 February 2019**, briefly outlining its focus in relation to the agenda items. The list of speakers will be released shortly before the meeting.

1. Opening and adoption of the agenda

Timing¹²: Thursday, 28 February, 3–3.10 p.m.

The Chair will open the meeting and invite the Task Force to adopt the agenda as set out in the present document.¹³

2. Thematic focus:

Access to justice in cases relating to air quality

Timing: Thursday, 28 February, 3.10–6 p.m.

The session will focus on access to justice to challenge acts and omissions that contravene permit requirements or laws relating to the environment with special attention to cases relating to air quality (e.g., permits for industrial installations and plans and projects concerning infrastructure, land use and air quality management)¹⁴.

The session is expected to discuss good practices, innovative approaches and challenges encountered in accordance with the above mentioned scenarios with regard to: (a) selection of forum, standing and assistance for members of the public to bring a case; (b) proceeding, in particular scope, evidence and expertise, burden and standard of proof, costs and etc.; and (c) available remedies, including injunctive relief, and their enforcement.

The discussion will further support the implementation of article 9 in conjunction with articles 6, 7 and other relevant provisions of the Convention.

⁵ The meeting will be preceded by 2019 Judicial Colloquium for members of judiciary, judicial training institutions and other review bodies dedicated to the role of judiciary in promoting the rule of law in environmental matters.

⁶ 2017 National implementation reports are available from <http://apps.unece.org/ehlm/pp/NIR/index.asp>

⁷ The 2017 synthesis report (ECE/MP.PP/2017/6) is available from (Category II document):

http://www.unece.org/env/pp/aarhus/mop6_docs.html

⁸ The Implementation Guide is available from <http://www.unece.org/index.php?id=35869&L=0>

⁹ Compliance Committee findings are available from <http://www.unece.org/env/pp/cc.html>

¹⁰ Analytical studies are available from http://www.unece.org/env/pp/tfaj/analytical_studies.html

¹¹ The jurisprudence database is available from <http://www.unece.org/env/pp/tfaj/jurisprudenceplatform.html>

¹² Coffee breaks might be held during the meeting if time permits.

¹³ All documents will be made available from <http://www.unece.org/index.php?id=50570>

¹⁴ See outcomes of the eleventh meeting of the Task Force on Access to Justice available from <http://www.unece.org/env/pp/aarhus/tfaj11.html>

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

Timing: Friday, 1 March, 10 a.m. – 12 p.m.

Following up on the outcomes of the previous thematic session¹⁵, delegates will continue identifying good practices, challenges, innovative approaches, priority actions and needs to further promote effective access to justice in cases on the right to environmental information. The discussion will be based on preliminary findings of the survey launched to collect in-depth information on the matter and further support the implementation of article 9, paragraph 1, in conjunction with article 9, paragraphs 4 and 5, article 4, paragraph 7 and other relevant provisions of the Convention.

4. Stocktaking of recent and upcoming developments

Timing: Friday, 1 March, 12–1 p.m. and 3–4 p.m.

The session is expected to discuss recent developments regarding the implementation of the third pillar of the Convention, in particular key challenges and good practices relating to (a) standing; (b) scope of review; (c) adequate and effective remedies; (d) financial barriers and (e) collective redress. The discussion will also contribute to the preparations of the thematic session of the twenty-fourth meeting of the Working Group of the Parties planned for 2020.

5. Tools to promote effective access to justice

Timing: Friday, 1 March, 4–4.45 p.m.

The session is expected to discuss issues related to: (a) promoting e-justice initiatives and other practical measures to ensure effective review procedure; (b) monitoring and evaluating the effectiveness of review procedures; and (c) promoting capacity-building, raising awareness and cooperation. Delegates are invited to identify good practices and initiatives, priority actions and needs to further promote effective access to justice and support the attainment of Sustainable Development Goal target 16.3.

6. Other business

Timing: Friday, 1 March, 4.45–4.50 p.m.

Delegates wishing to suggest other issues under this item are requested to inform the secretariat as soon as possible.

7. Closing

Timing: Friday, 1 March, 4.50–5 p.m.

The Chair will summarise the key outcomes of the meeting and close it.

¹⁵ For detail, see <http://www.unece.org/env/pp/aarhus/tafaj11.html>.