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КОМИССИЯECONOMIC 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

Eighth meeting

Geneva, 15-17 June 2015

Item 1 of the provisional agenda

Opening and adoption of the agenda

Annotated provisional agenda for the eighth meeting¹

To be held in Salle V, Palais des Nations, Geneva
starting at 3 p.m. on Monday, 15 June 2015

I. Provisional agenda

1. Opening and adoption of the agenda.
2. Measuring access to justice.
3. Substantive issues
 - (a) The scope of the review
 - (b) Mitigating costs
 - (c) Adequate and effective remedies
4. Means to share experience and develop capacities
 - (a) National dialogues for removing barriers;
 - (b) Sharing jurisprudence and promoting judicial networking.
5. Other business.
6. Closing.

¹ The document was not formally edited.

II. Annotations

The Task Force on Access to Information under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was established, and the mandate laid down, by the Meeting of the Parties to the Convention at its second session (Almaty, Kazakhstan, 25-27 May 2005). It was further extended by the Meeting of the Parties to the Convention through decision V/3 adopted at its fifth session (Maastricht, the Netherlands, 30 June and 1 July 2014)². The work's scope was also outlined in the Strategic Plan 2015-2020 and the Work Programme 2015-2017 adopted through decisions V/5 and V/6 respectively by the Meeting of the Parties at the same session³.

The present meeting aims at discussing the substantive issues such as the scope of review, costs and remedies. Delegates will also deliberate on quantitative data provided in 2014 national implementation reports in relation to the practical application of the provisions of article 9 of the Convention⁴ and learn from several relevant initiatives. Furthermore, delegates will be invited to share their experience on a multi-stakeholders dialogue for removing barriers on access to justice.

The Task Force on Access to Justice continues its work based on the outputs delivered at the previous meetings. The background material for the meeting includes relevant information derived from 2014 national implementation reports⁵ and the synthesis report⁶ as well as the Implementation Guide⁷, relevant Compliance Committee findings⁸ of a systemic nature, analytical studies⁹ and jurisprudence database¹⁰.

1. Opening and adoption of the agenda

Timing: Monday, 15 June, 3–3.10 p.m.

The Task Force will be invited to adopt the agenda as set out in the present document.¹¹

2. Measuring access to justice

Timing: Monday, 15 June, 3.10–4.30 p.m.

Delegates will also deliberate on quantitative data provided in 2014 national implementation reports in relation to the practical application of the provisions of Convention's article 9¹² and learn from several relevant initiatives.

3. Substantive issues

(a) The scope of review

² The text of decision is available from http://www.unece.org/env/pp/aarhus/mop5_docs.html

³ The texts of decisions are available from http://www.unece.org/env/pp/aarhus/mop5_docs.html

⁴ See question XXX in the reporting format available from <http://www.unece.org/env/pp/reports.html> (Decision IV/4)

⁵ 2014 National implementation reports are available from <http://apps.unece.org/ehlm/pp/NIR/index.asp>

⁶ The synthesis report (ECE/MP.PP/2014/6) is available from http://www.unece.org/env/pp/aarhus/mop5_docs.html#/ (Category II document)

⁷ The Implementation Guide is available from <http://www.unece.org/index.php?id=35869&L=0>

⁸ Compliance Committee findings are available from <http://www.unece.org/env/pp/cc.html>

⁹ Analytical studies are available from http://www.unece.org/env/pp/tfaj/analytical_studies.html

¹⁰ The jurisprudence database is available from <http://www.unece.org/env/pp/tfaj/jurisprudenceplatform.html>

¹¹ All documents will be made available from <http://www.unece.org/env/pp/aarhus/tfaj8#/>

¹² See question XXX in the reporting format available from <http://www.unece.org/env/pp/reports.html> (Decision IV/4)

Timing: Monday, 15 June, 4:30–6 p.m. and Tuesday, 16 June, 10–11:30 a.m.

This session aims at deliberating on what decisions, acts or omissions could be the subject of administrative appeal and judicial review in accordance with the Convention's article 9, what could be the grounds for their review and to what extent both procedural and substantive issues may be reviewed. Delegates will be also invited to share experience whether the courts in their counties have only cassation or also reformatory rights in cases under this article.

(b) Mitigating costs

Timing: Tuesday, 16 June, 11:30 a.m.–1 p.m. and 3–4 p.m.

Delegates will be invited to share recent developments in removing or reducing financial barriers in access to justice as well as to identify contemporary challenges in this area. The discussion will be focused on experts' and witnesses' fees, bonds for injunctive relieve and the loser pays principle.

(c) Adequate and effective remedies

Timing: Tuesday, 16 June, 4–6 p.m. and Wednesday, 17 June, 10–11.30 a.m.

The session will focus on the compensation for damages on behalf of the environment; injunctive relieve; other adequate and effective remedies related to article 9, paragraph 3, of the Convention. Delegates will be invited to inform the Task Force about recent relevant developments in their legislation and practice and possible challenges.

4. Means to share experience and develop capacities

(a) National dialogues in removing barriers to access to justice

Timing: Wednesday, 17 June, 11:30 a.m.–12:00 p.m.

Through decision V/3, Governments were encouraged to stimulate a multi-stakeholder dialogue aiming at removing as the case may be, barriers to access to justice. Delegates will be invited to share lessons learned from organizing and carrying out such dialogues. Partner organisations will be invited to inform about their activities supporting these dialogues.

(b) Sharing jurisprudence and promoting judicial networking

Timing: Wednesday, 17 June, 12:00 – 12:25 p.m.

The Task Force will be informed about the recent development regarding the jurisprudence database and the outcomes of a special session for judges dedicated to the promotion of judicial networking. Delegates will deliberate on further work to be done in this regard.

5. Other business

Timing: Wednesday, 17 June, 12.25–12.30 p.m.

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

6. Closing

Timing: Wednesday, 17 June, 12:30–1 p.m.

The Task Force is expected to approve the key outcomes of the meeting. The Chair will close the meeting.