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Access to Information, Public Participation  
in Decision-making and Access to Justice  
in Environmental Matters

### Working Group of the Parties

#### Fifteenth meeting

Geneva, 3–5 September 2012

Item 3 (c) of the provisional agenda

**Substantive issues: access to justice**

## Report of the Task Force on Access to Justice on its fifth meeting\*

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\* This document was submitted late due to the need to receive clearance from participants on their statements as reflected herein.

## Introduction

1. The fifth meeting of the Task Force on Access to Justice under the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was held in Geneva, Switzerland, on 13 and 14 June 2012.<sup>1</sup>
2. The meeting was attended by experts designated by the Governments of Armenia, Austria, Croatia, France, Georgia, Italy, Latvia, Republic of Moldova, Serbia, Slovakia, Spain and Sweden. The European Commission was present on behalf of the European Union (EU). A representative from the European Investment Bank was also present.
3. Representatives of the United Nations Environment Programme and the Organization for Security and Cooperation in Europe (OSCE) also attended the meeting.
4. Representatives of the Regional Environmental Centre for Central and Eastern Europe (REC), the Regional Environmental Centre for the Caucasus and Regional Ecological Centre the Central Asian attended the meeting.
5. The following non-governmental organizations (NGOs) were represented: Association for Environmental Justice (Spain); CienEarth (Belgium); Earthjustice (Switzerland); Environment-People-Law (Ukraine); Independent Ecological Expertise (Kyrgyzstan); Primus Inter Pares (Uzbekistan); Resource and Analysis Center “Society and Environment” (Ukraine), also representing European ECO Forum; St. James’s Research (United Kingdom of Great Britain and Northern Ireland); Swedish Society for Nature Conservation (Sweden); Terra Cypria — The Cyprus Conservation Foundation (Cyprus); Volgograd Ecopress Information Centre (Russian Federation); and WWF-UK<sup>2</sup>/Coalition for Access to Justice for the Environment (CAJE) (United Kingdom).
6. Also present at the meeting were a number of judges, international experts and representatives of academic and judicial institutions in Armenia, Azerbaijan, Belarus, Denmark, France, Ireland, Kyrgyzstan, the Netherlands and Tajikistan, as well as a representative from the EU Forum of Judges for the Environment (EUFJE).

## I. Opening of the meeting and adoption of the agenda

7. The Task Force Chair, Mr. Jan Darpö (Sweden), opened the meeting. The Task Force expressed its condolences and observed a minute of silence in remembrance of Ms. Svitlana Kravchenko, a member of the Aarhus Convention Compliance Committee and a regular contributor to the discussions of the Task Force, who had suddenly passed away in February 2012.
8. The Task Force adopted its agenda.
9. At the start of the meeting, the Chair recalled the mandate of the Task Force as defined in Meeting of the Parties (MOP) decision IV/2 on promoting effective access to justice (see ECE/MP.PP/2011/2/Add.1).

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<sup>1</sup> Documents for the meeting, a list of participants and presentations are available online at: <http://www.unece.org/environmental-policy/treaties/public-participation/meetings-and-events/public-participation/public-participation/2012/fifth-meeting-of-the-task-force-on-access-to-justice/docs.html>.

<sup>2</sup> World Wildlife Fund United Kingdom.

## II. Substantive issues

10. During the previous intersessional period (2008–2011), the Task Force had focused on the issue of costs and financial arrangements (including litigation costs, legal aid and support for public interest lawyers) and the issue of remedies (including injunctive relief and the issue of timing). In particular, three analytical studies were finalized in the course of 2011: (a) on access to justice in countries in Eastern Europe, the Caucasus and Central Asia, with a focus on remedies and costs; (b) on remedies, including injunctive relief and timing; and (c) on practical examples in the areas of the “loser pays” principle, legal aid and criteria for injunctions. The second and third study focused on Western and Central Europe and built on the extensive discussion and study of the issues on costs and remedies in Western and Central Europe conducted in 2010 under the Task Force.

11. At the fifth meeting, the Task Force focused on the issue of standing, while consideration was also given on how to follow-up on the issue of costs and remedies.

### A. Standing

12. Discussion on the issue of standing took the form of a mini-conference called “Access to courts for individuals and groups”, with presentations by leading experts in the field. The aim of the mini-conference was to inform the Task Force about the rules and jurisprudence, and the challenges in general on the issue of standing in environmental matters, and to set the ground for further analysis by the Task Force.

13. Judge Françoise Nési (*Tribunal de Grande Instance Versailles*, France), Secretary General of EUFJE, delivered the keynote address setting out the views of EUFJE on the effective protection of the environment through effective access to justice, on the basis of article 9, paragraphs 3 and 4, of the Convention. EUFJE was a force for raising awareness among judges in Europe about their role in sustainable development through the sharing of experiences and training. In the context of adequate and effective remedies, civil society and members of the public had been increasingly enjoying better access to administrative or judicial procedures, and law and jurisprudence were evolving in that respect. Wider access to justice did not, however, always ensure effective protection of the environment. One challenge in that respect was a distrust of judges among NGOs, because judges tended to dismiss cases concerning the protection of nature per se, as opposed to those involving the protection of the interests of NGOs, which could be awarded substantive compensation by the courts for moral damages. To mitigate those problems, it was important to focus on processes that actually resulted in measures promoting the effective protection or improvement of the environment in the interest of future generations. Examples included establishing experts’ networks among competent authorities and reducing expertise costs; strengthening the legitimacy of an action through promotion of united action among those interested in the environment; prioritizing compensation in kind and appointing a competent body for the rehabilitation and management of an area; and organizing multidisciplinary environmental training, among others, for judges, a goal pursued also by EUFJE.

14. The keynote address was followed by presentations concerning the situation in Western and Central Europe, mainly in member States of the EU; in Eastern Europe, the Caucasus and Central Asia; and in South-Eastern Europe (SEE); as well as an account of the findings of the Compliance Committee and the related MOP decisions on compliance with respect to standing.

15. Participants were informed about two studies currently being carried out by the European Commission on access to justice in environmental matters. The first, on the

implementation of article 9, paragraphs 3 and 4, of the Convention, was presented by its coordinator, the Chair of the Task Force, who began with a short review of the relevant EU legislation: the EU declaration upon approval of the Convention; the 2003 proposal of the European Commission for a Directive relating to access to justice in environmental matters (COM(2003)624 final); the relevant provisions of the Charter of Fundamental Rights of the EU and of the Treaty on European Union; and recent jurisprudence of the Court of Justice of the EU. The study covered 17 EU member States. Questionnaires had been drafted on the basis of which national experts were to prepare national reports about the environmental legislation, administration and courts, the conditions of standing for the public concerned, the effectiveness of judicial review and the costs involved for environmental procedures, all illustrated by case examples. A synthesis report would be prepared at the end. Some preliminary conclusions on the issue of standing included that members of the public were not able to challenge some types of decisions taken on the basis of sectoral legislation (i.e., laws on mining, agriculture, etc.); that NGO standing was specifically confined to certain legislation and specific decisions; that the “protective interest theory” (*Schutznormtheorie*) existed in many jurisdictions examined; that administrative omissions were often impossible or difficult to challenge in the courts; and that there was a trend towards centralizing some environmental decisions and changing the level of decisions on a “specific activity” to that of a “plan”.

16. The second study, on possible initiatives on access to justice and economic implications, was presented by Mr. Niels Philipsen, Associate Professor at the Faculty of Law, Maastricht University. The objective of the forthcoming study was to present at EU level the (socio-) economic effects of changes in the regulation of public access to justice in environmental matters with a focus on the effects of increased access to justice as compared with the costs of non-action, following the principles of law and economics, law and society, and empirics. The speaker focused on the law and economics approach of the study — which, it was emphasized, did not include a full-fledged cost-benefit analysis — with respect to four options for action by the EU: (1) a no action and soft-law approach; (2) the Commission’s addressing existing gaps at the level of member States on the basis of article 258 of the Treaty on the Functioning of the European Union; (3) a new legislative proposal on the basis of recent jurisprudence of the Court of Justice of the EU and the EU laws on environmental impact assessment and integrated pollution prevention and control; and (4) a proposal identical to the 2003 proposal of the Commission for a directive. The economic approach consisted of an economic analysis of procedural law; a stakeholder analysis; and a study on levelling the playing field, in other words, ensuring that the same set of rules applied for all within the EU. According to the preliminary conclusions, the theoretical stakeholder analysis seemed to point at option 3, because that option provided for more legal certainty than options 1 and 2, was less costly than options 2 and 4 and less controversial than option 4, while the advantage of option 3 in creating a level playing field was highlighted. These theoretical conclusions would be tested by means of selected country studies in a next stage of the research.

17. The Task Force welcomed the studies carried out in the EU on the issue of standing in relation to the Convention. In the discussion that followed, the value of the two studies was acknowledged and their relevance was highlighted in the context of the designing of the seventh environment action programme of the EU. Participants also mentioned that the economics of sustainable development should be considered; and also that NGOs should be given the opportunity to provide input.

18. Mr. Gor Movsisyan, lecturer on environmental law at Yerevan State University, Armenia, gave a presentation on the legal standing of individuals and groups in the Eastern Europe, Caucasus and Central Asia subregion. The presentation reflected, on the one hand, the information provided by the study on impediments to access to justice with regard to costs, remedies and timeliness, which had been carried out in 2011 and had covered also

aspects of standing in the framework of judicial review, and, on the other hand, the information provided by Parties in their national implementation reports during the 2008–2011 cycle. Information on standing available in the national implementation reports was often vague and did not always match the information provided in the study. The existence of legislative provisions on standing also did not necessarily entail in practice the existence of the rights of legal and natural persons. The evolution of practice in the subregion was illustrated with case law examples from the courts of Armenia. It was observed that the jurisprudence portal did not present cases from the subregion (with the exception of the Republic of Moldova). More research and analysis on the issue of standing in the subregion was needed, which should compare it with best practices from the EU countries and provide a description of the legislation, with priority given to a thorough examination of practice on the basis of case law and, where it was not available, analyse the reasons for its absence. National languages should also be used in any future study, to the extent possible.

19. Ms. Vojka Janjic from the Ministry of Justice, Serbia, informed participants about the ongoing developments and reforms in the justice sector in Serbia that aimed at the integration of the country in the EU. There was a need to establish an independent, efficient, impartial and integrated system, while protecting fundamental human rights, including the right to a fair trial. Notably, a law on legal aid was being developed to ensure access to justice for those that could not otherwise afford it as well as those identified as entitled to such aid in the draft law, in accordance with international standards, the principle of fairness and in accordance with the practice of the European Convention on Human Rights.

20. In the discussion that followed, some participants noted that the laws on standing in Eastern Europe, the Caucasus and Central Asia had changed since the conclusion of the study on remedies and costs. For example, in Tajikistan new provisions regulating locus standi for members of the public had come into force in 2011. The hope was also expressed that a possible new study on standing would give the impetus to countries to amend legislation and clarify certain issues, such as the ambiguity in the Russian Federation as to whether public interest organizations had the right to represent a group of people.

21. Information was then shared with the Task Force on the activities of REC with respect to the implementation of the Convention in the SEE subregion. Specifically, the round-table discussions that had been organized in a number of SEE countries with the participation of representatives from public authorities and NGOs, in two of which the Chair of the Task Force had participated, had revealed some of the barriers. For example, while standing for NGOs and individuals was granted in the laws on environmental protection, standing was ambiguous in the context of sectoral environmental laws and there was a lack of certainty as to the jurisdiction of the courts. Some other barriers mentioned related to the lengthy appeal process within the environmental impact assessment procedure, the difficulty of using injunctions, the fees in civil courts and the absence of public interest lawyers, with the exception of Croatia.

22. Mr. Veit Koester, former Chair of the Aarhus Convention Compliance Committee, gave an overview of the findings of the Committee regarding the issue of standing and the manner in which the MOP had considered them. A background paper had been distributed to participants. There were two distinct types of MOP decisions with respect to the Committee's findings: the MOP either "took note" of the findings — and thus also the reasoning — of the Committee in cases of no non-compliance; or the MOP "endorsed" the findings — and thus also the reasoning — of the Committee on non-compliance. In the latter type of decisions, the Committee had thus contributed to the interpretation of the Convention in an authoritative manner. It was highlighted that there were very few decisions of the Committee concerning standing, most of them concerning countries of

Western and Central Europe, and in the majority of cases the Committee had found the Party concerned to be in a state of no non-compliance — as such the MOP had taken note of the interpretation of the Committee. The following elements were distinct in the interpretation of article 9, paragraph 3, by the Committee, although, as far as MOP decisions were concerned, related to findings on no non-compliance: (a) the text of the Convention gave flexibility to the Parties, but national criteria on standing should not be so high as to effectively bar access to justice; and (b) the system in an individual Party, including that of the EU in the case of EU member States, would be examined as a whole to assess whether the standing criteria ran counter the objectives of the Convention. Finally, a number of findings on non-compliance by individual Parties with regard to standing had been adopted by the Committee after the fourth session of the MOP and those findings had built upon previous jurisprudence by the Committee; the MOP would consider those findings, including the interpretation on standing awarded by the Committee, at its fifth session.

23. During the discussion that followed, participants observed that the fact that a Party introduced or changed criteria of standing after it had become party to the Convention did not mean that the country would be in a state of non-compliance, unless such criteria effectively blocked access by members of the public to remedies. Commenting on the limited number of communications concerning compliance by countries of Eastern Europe, the Caucasus and Central Asia with regard to standing, it was commented that legislation and jurisprudence in Ukraine had been rather progressive and that no significant problems with standing of members of the public had been encountered. Participants then discussed the general difficulty of implementing the provisions on standing set by article 9, paragraphs 2 and 3, in conjunction with article 2, paragraphs 5, of the Convention, due to their different approach, and they exchanged information on recent developments in law and jurisprudence in their countries. It was noted that law and jurisprudence in the region differed significantly and that the role of the courts was important, such as the role of the Court of Justice of the EU in the development of law in EU member States. It was also highlighted that capacity-building activities should target not only members of the judiciary, but also members of the public, such as local communities, in order to educate them about their rights and how to pursue them. In that respect, a change of mindset was desirable, and the development of assistance mechanisms for NGOs should be considered.

## **B. Costs and financial arrangements, and remedies**

24. The discussion continued with a detailed account of the findings of the Compliance Committee and the related MOP decisions on compliance with respect to costs and remedies, followed by presentations on costs and remedies in the countries of Eastern Europe, the Caucasus and Central Asia and the EU member States.

25. Mr. Veit Koester introduced the findings of the Committee and the related MOP decisions with respect to costs and remedies. A background paper had been distributed to participants. It was highlighted that, in line with article 31, paragraph 3 (a), of the 1969 Vienna Convention on the Law of the Treaties, a decision by the MOP which had been taken by consensus with respect to the Committee's findings (and the associated reasoning), represented an agreement by Parties on how to interpret the Convention. Seven sets of the findings of the Committee were then mentioned with regard to article 9, paragraphs 3, 4 and 5. The findings demonstrated that there was a link between non-compliance with article 9, paragraphs 3 and 4, and with article 9, paragraphs 4 and 5. It was acknowledged that those provisions remained difficult to apply, that the Committee had contributed to their interpretation, but that there was still a lot to be done and that the work of the Task Force was important in analysing the particulars of the text. Most of the communications relating

to those provisions had been submitted in the previous intersessional period, and concerned Parties from Western and Central Europe.

26. Ms. Elena Laevskaya, Associate Professor at the Law Faculty, Belarusian State University, informed participants about the context of the study that had been carried out on costs and remedies in the Eastern Europe, Caucasus and Central Asia subregion in 2011. Some of the main challenges identified through the study were: the lack of timely procedures due to the deadlines established by law and their application by courts, and their impact on whether a decision should have suspensory effect; the prioritization of economic over environmental interests in awarding injunctions; the lack of information about issued decisions; the fact that for some cases only an administrative appeal was possible, which could compromise the impartiality or independence of decisions as the review body often belonged to the same authority that issued the decision being challenged; the developing practice that decisions on specific activities were taken in the form of a normative instrument/law, significantly restricting possibilities to challenge the act; the high litigation fees faced by NGOs and the costs associated with the hiring of experts; and, importantly, the lack of knowledge regarding international agreements and citizens' rights. While the application of the loser pays principle did not contradict the Convention, there was a problem with the significant costs that those bringing suits that were unfavourably decided. Presently, amendments were under way in the subregion and it was hoped that some of the challenges would be addressed.

27. Finally, Ms. Carol Day, Solicitor, WWF-UK/CAJE, gave an outline of costs and financial arrangements in selected EU member States. Such costs included court and lawyers' fees, expert advice and injunctive relief. In general, court fees per se were not high in the selected member States, with the exception of the United Kingdom Supreme Court. In a number of countries the *Streitwert* was applied; in other words, the fees reflected the value of the claim in monetary terms from the plaintiff's point of view. That evaluation aimed at preventing price competition between lawyers, but excluded expert report costs, and still might be prohibitively expensive. Lawyers' fees represented the most important barrier in terms of costs, and various forms of the loser pays principle applied in most of the member States. Protective Costs Orders had evolved as a means of limiting adverse liability, notably in Ireland and the United Kingdom, while other systems included "one-way costs shifting" and a split system of costs in Ireland. Legal aid schemes were available in almost all countries. To improve the costs regime in the EU it was recommended, inter alia, that the following could be applied: no court fee or a modest flat rate (per petition); a form of *Streitwert*; lower lawyers' fees or one-way costs shifting or a modified form of the loser pays principle in which legal costs were not recoverable or were capped; appropriate injunctive relief in the absence of security/bonds; or legal aid and support for individuals and NGOs.

28. In the following discussion, participants exchanged information on the costs regimes and legal aid in their countries. It was mentioned that in some jurisdictions the system did not promote, and one system did not even permit, the existence of public interest lawyers. In some countries of Eastern Europe, the Caucasus and Central Asia the unclear division of competences between economic and general courts had implications on effective access to justice under the Convention. It was recognized that legal aid schemes existed in almost all countries in the region. It was finally observed that in considering costs regimes in environmental matters, the focus had been placed on State-regulated legal aid and the issue of private legal aid or stakeholders' insurance for legal aid had not been covered.

### **C. Future work on substantive issues**

29. The Task Force recognized the need to proceed with a comprehensive analytical study on the issue of standing in the countries of Eastern Europe, the Caucasus and Central Asia. It was agreed that the envisaged study would follow the methodology of the study being carried out in the EU, so as to allow for comparative analysis. It was also agreed that the scope of this study would cover article 9, paragraphs 1, 2 and 3, of the Convention. The Task Force decided that, at first stage, the analytical study would focus on selected countries of the subregion of Eastern Europe, the Caucasus and Central Asia, on the basis of, inter alia: obstacles identified (also in the context of the analytical study on costs and remedies in the subregion, which had been carried out in 2010–2011); developed case-law; findings of the Aarhus Convention Compliance Committee; and expert support available in the country. It also agreed that the process for conducting the study should be inclusive, allowing for national NGOs and other stakeholders and experts to have input. The Task Force mandated the secretariat to proceed with the administrative arrangements and the Chair to oversee the substantive preparations for the study and agreed to review progress on the study at its sixth meeting (preliminarily scheduled to take place in June 2013).

30. With regard to costs and remedies, the Task Force encouraged Parties to translate the main findings of the study on access to justice in the countries of Eastern Europe, the Caucasus and Central Asia into their national languages and to use the study to organize capacity-building activities and to plan any other action needed to ensure full implementation of the Convention.

31. The Task Force recognized that very little information was available on costs and remedies (but also on standing) in South-Eastern Europe, and that it was important for the Task Force to proceed in the future with an analytical study not only on costs and remedies, but also on standing in that subregion. The Task Force therefore mandated the secretariat, in consultation with the Chair and in collaboration with other partner organizations working in the subregion, to explore the possibility of launching such a study in 2013 and agreed to review progress on it at its sixth meeting.

## **III. Sharing experiences and building capacity**

32. The Task Force then addressed implementation of MOP decision IV/2, paragraph 14, with a focus on the further development of the jurisprudence database and the capacity-building activities undertaken by the secretariat in cooperation with the Task Force.

### **A. Jurisprudence database**

33. The Chair outlined the work undertaken during the previous intersessional period in cooperation with the secretariat, the national focal points and stakeholders to the Convention for the development of the jurisprudence database.

34. The secretariat reported that the jurisprudence database comprised summaries of more than 50 judgements and decisions taken by various high courts and other bodies in 10 Parties, including the EU, related to the Aarhus Convention. Most cases concerned access to justice with a focus on standing and costs or related to access to information and public participation in decision-making. There were also cases related to strategic decision-making.

35. The secretariat provided a demonstration of how the database was designed, first on the Convention's website, and second as part of the Aarhus Clearinghouse for Environmental Democracy.



36. The Task Force welcomed the progress on the technical details of the database. It agreed that stakeholders should make further efforts to populate the database and to establish it as a “living” tool. It reiterated its concern that in some jurisdictions decisions of judicial and administrative review bodies were still not publicly available, and encouraged individual Parties to make such decisions publicly available through electronic tools, implementing article 9, paragraph 4, of the Convention. Considering that the number of cases involving countries from Eastern Europe, the Caucasus and Central Asia in the database was minimal, the Task Force recognized the need to allow for the submission of summaries in the Russian language, and requested the secretariat to explore the possibility of translating case-law summaries from Russian into English. Finally, it requested the secretariat to explore the possibility of linking the Clearinghouse or the Convention’s web page with the case-law in similar portals, such as Ecolex.

## **B. Workshops**

37. The secretariat reported on the subregional Central Asian meeting “Implementing the Aarhus Convention today: Paving the way to a better environment and governance tomorrow”, which had been held in Almaty, Kazakhstan, on 22 and 23 May 2012.<sup>3</sup> The meeting had been jointly organized with OSCE as a response to the call made by the MOP at its fourth session for increased capacity-building activities and the Task Force mandate in decision IV/2, paragraph 14 (a).

38. The meeting had attracted members of the judiciary from all five countries in the subregion and Mongolia. It was structured in two parallel workshops, with several joint sessions, all of which encouraged interactive participation. The first workshop, “Greening justice and the role of the judiciary in this process”, brought together senior judges and representatives from judicial training institutions, as well as environmental law experts, to discuss the legal aspects of access to justice and the role of the judiciary in implementing and enforcing the Convention. The second workshop, “How to implement the Aarhus Convention: learning practical experiences”, provided a platform for dialogue between representatives from Aarhus Centres and governmental, non-governmental and international organizations to discuss challenges in the practical implementation of the three pillars of the Aarhus Convention and to learn from good practices.

39. During the first workshop, it was recognized that the countries of the subregion and Mongolia shared a lot of common elements in the organization of their justice systems and their legal frameworks, and faced similar challenges in providing for effective justice in environmental matters. In that regard, the following challenges were highlighted: criteria of standing, especially for environmental NGOs; the lack of possibility to simultaneously challenge the legality of any decision or act of public authorities and to request injunctive relief against a beneficiary of that decision or act; ensuring the timeliness of the proceedings in the first and second instances; and a lack of legal aid and other financial barriers, particularly in cases involving pecuniary claims, forensic and other expertise. A study on access to justice in countries in Eastern Europe, the Caucasus and Central Asia provided a solid basis for discussion.

40. Mr. Vladimir Borisov, Judge on the Supreme Court of Kazakhstan, participating in the session via video conference, said the workshop on greening justice was a good

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<sup>3</sup> All documentation concerning the meeting is available from <http://www.unece.org/environmental-policy/treaties/public-participation/meetings-and-events/public-participation/public-participation/2012/subregional-central-asian-meeting-implementing-the-aarhus-convention-today-paving-the-way-to-a-better-environment-and-governance-tomorrow/centralasianmeeting2012.html>.

example of how to improve access to justice and raise awareness in the subregion. There was a need to increase the role of courts in the implementation of the third pillar of the Convention. The Convention shared many links with human rights law, and the courts should apply such treaties directly. NGOs should also have the right to bring cases before the courts not only when just their own rights were affected, but in particular when the interests of the public in general were affected by violations of environmental law. To raise awareness, the ministry responsible for the environment and the Supreme Court in Kazakhstan had been working with numerous NGOs in the country. Training activities, including workshops, had been organized for representatives of the judiciary and NGOs and offered a platform for discussion on how to promote implementation of the third pillar of the Convention in the country. The Aarhus Centres were playing a positive role in that process. Some of the steps undertaken by the Supreme Court for better implementation of the Convention included: information exchange with the ministry responsible for environment, the Aarhus Centres, the European ECO Forum NGO coalition, and other stakeholders; specialization of judges that considered environmental cases and inclusion of the Convention in the curriculum for judiciary training; constant monitoring of decisions and uploading of judgements on the Internet, with a web page of the Court devoted to Aarhus-related cases; a proposal to amend the laws so as to make the provisions regarding standing clear, as well as to amend the laws regarding court fees and deadlines for the procedures in environmental cases; introduction of the possibility of mediation in environmental cases between public authorities and NGOs; and development of the administrative justice system.

41. The Task Force took note of the outcomes of the workshop and expressed its appreciation to OSCE for its continued effective partnership in the activities on access to justice, and to the Government of Kazakhstan for its strong support for the event.

42. Participants then exchanged information about capacity-building activities by REC, CAJE, the judicial training centre under the Supreme Court of Kyrgyzstan, ClientEarth — EU Aarhus Centre, the University College Cork and the European ECO Forum. A representative of the European Investment Bank (EIB) informed the Task Force about activities within the Bank to raise awareness among staff dealing with projects and operations concerning the Convention. In September 2012, EIB would host the fifth meeting of the informal network of accountability mechanisms of international financial institutions. It was hoped that the Aarhus Convention Compliance Committee would become more involved in that network. The European Commission reported that the e-justice portal, providing information on legal systems and improving access to justice throughout the EU in 22 languages, had now been initiated, and that a programme of cooperation with judges from the EU member States, launched in 2008, was continuing with training modules including access to justice as a horizontal element.

43. The Task Force welcomed the capacity-building initiatives announced by participants and expressed its appreciation for the activities undertaken to advance implementation of the third pillar of the Convention. It called on Parties and partner organizations to facilitate capacity development at the national and local level and to produce training materials in the national languages.

#### **IV. Adoption of conclusions and closing of the meeting**

44. The Task Force encouraged Parties to engage in a dialogue at the national level with all relevant stakeholders to address issues of access to justice and to report on outcomes at the next meeting of the Task Force. It also welcomed the initiative of several Governments to nominate experts from the justice sector to participate in the present meeting of the Task Force and encouraged other Parties to take part in future meetings with representatives from their ministries responsible for justice affairs.

45. The Task Force revised and adopted the major outcomes and decisions presented by the Chair at the meeting and requested the secretariat, in consultation with the Chair, to finalize the report and to incorporate the adopted outcomes and decisions in it. The Chair thanked the speakers, the participants, the secretariat and the interpreters, and closed the meeting.

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