



Substantive issues: Access to justice

ClientEarth intervention

Wednesday 28 October 3-5.30pm

Thank you. Honourable chair, honourable delegates,

At the last Meeting of the Parties, the implementation of the access to justice provisions by the European Union has been a major topic of discussion and disagreement. Since the next Meeting is rapidly approaching, we felt it was important to update all delegates about the latest developments.

Two weeks ago, the Commission has adopted a proposal to amend the Regulation implementing the Convention's access to justice provision at EU level, the so-called Aarhus Regulation. This is an important and welcome step to remedy the issues observed by the Compliance Committee, which has been made possible, not least, by the important initiative of EU Member States acting through the Council.

However, the proposal proposed by the EU Commission is lacking in important respects. Firstly, the proposal would introduce a new restriction, exempting acts that require national implementing measures. This would be one step forward and one back, keeping in place significant barriers to adequate access to justice. Other issues equally remain unaddressed, such as making all legally binding acts subject to review and opening up state aid decisions to legal challenge.

We do not need to explain to any of the delegates present here today how problematic it would be if this legislative amendment would finally not address all the aspects needed to come into compliance with the Convention. It is crucial that this issue is resolved once and for all, for the sake of the environment and the public that depends on access to justice rights, but also to safeguard the continued success of this Convention.

We therefore urge the EU Member States, all of course individually Parties to this Convention, to do all that is in their powers to amend the Commission's proposal in a way that all requirements of the Convention are met. We also call on all delegates to work together to resolve this issue, in a spirit of collaboration and consensus.

Thank you very much.