

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

Thirteenth meeting

Geneva, hybrid, 15-16 February 2021

Item 1 of the provisional agenda

Opening and adoption of the agenda

Annotated provisional agenda for the thirteenth meeting¹

To be held TPS2, Palais des Nations, Geneva
starting at 10 a.m. on Monday, 15 February 2021

I. Provisional agenda

1. Opening and adoption of the agenda.
2. Thematic focus: Promoting public interest litigation in environmental matters.
3. Access to justice in cases relating to air quality.
4. Access to justice in information cases.
5. Taking stock of recent and upcoming developments.
6. Other business.
7. Closing.

¹ The document was not formally edited.

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 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 2021.

The thematic session of the meeting will focus on **promoting public interest litigation in environmental matters**. The Task Force will identify good practices, barriers, challenges, and innovative approaches to promote public interest litigation. The meeting will also continue the discussion on measures to **promote effective access to justice in cases relating to air quality**. In addition, the Task Force will consider **the study on access to justice in information cases** with the aim to finalize it before the seventh session of the Meeting of the Parties to the Convention in October 2021. Finally, delegates also will take stock of **recent and upcoming developments** related to the implementation of the third pillar of the Convention on a general level.

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 the synthesis and national implementation reports⁵ as well as the Implementation Guide⁶, relevant Aarhus Clearinghouse resources⁷, Compliance Committee findings⁸ of a systemic nature, analytical studies⁹ and the jurisprudence database¹⁰.

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 **1 February 2021**, briefly outlining its focus in relation to the agenda items. The list of speakers will be released shortly before the meeting.

² The text of decision is available at <https://unece.org/environmental-policy/events/sixth-session-meeting-parties-aarhus-convention>

³ The texts of decisions are available at <https://unece.org/environmental-policy/events/sixth-session-meeting-parties-aarhus-convention>

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 at <https://sustainabledevelopment.un.org/sdgs>

⁵ See <https://aarhusclearinghouse.unece.org/national-reports/reports>

⁶ See <https://unece.org/environment-policy/publications/aarhus-convention-implementation-guide-second-edition>

⁷ See

https://aarhusclearinghouse.unece.org/resources?combine=&field_resource_types_value=All&field_resource_topics_value=All&field_resource_sources_value=All&field_resource_geography_value=All&field_sector_value=All&field_resources_pillar_value%5B%5D=1001010&sort_by=field_release_date_value&sort_order=DESC

⁸ See <https://unece.org/environment-policy/public-participation/communications-public>

⁹ See <https://unece.org/environment-policy/public-participation/aarhus-convention/analytical-studies-on-access-to-justice>

¹⁰ See <https://unece.org/environment-policy/public-participation/tfaj/case-law-related-convention>

1. Opening and adoption of the agenda

Timing: Monday, 15 February, 10–10.10 a.m.

The Chair will open the meeting and invite the Task Force to adopt the agenda as set out in the present document.¹¹

2. Thematic focus: Promoting public interest litigation in environmental matters

Timing: Monday, 15 February, 10.10 a.m.–12 p.m.

The session will focus on promoting public interest litigation in environmental matters (e.g. in challenging refusals of information requests, acts or omissions that contravene permit requirements or laws relating to the environment).

Following up on the outcomes of the thematic session at the twenty fourth meeting of the Working Group of the Parties to the Convention (Geneva, hybrid, 28 October 2020)¹², delegates will continue identifying good practices, innovative approaches and barriers encountered in public interest litigation with regard to the following key issues: (a) standing; (b) scope of review; (c) assistance mechanisms and costs; (d) timeliness; (e) remedies; and (f) protection against harassment and other forms of retaliation.

3. Access to justice in cases relating to air quality

Timing: Monday, 15 February, 2–4 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).

Following up on the outcomes of the previous Task Force meeting¹³, delegates will continue identifying good practices, innovative approaches and challenges encountered in accordance with the above mentioned scenarios with regard to: (a) selection of forum, standing and assistance to bring a case; (b) proceedings, in particular scope, evidence and expertise, burden of proof, costs and etc.; and (c) available remedies, including injunctive relief, and their enforcement.

4. Access to justice in information cases

Timing: Tuesday, 16 February, 10 a.m.–12 p.m.

Following up on the outcomes of the previous Task Force meetings¹⁴, delegates will continue the discussion about the study on access to justice in information cases, prepared by the Chair¹⁵. The aim of this session is to finalize the study to be reported at the seventh session of the Meeting of the Parties to the Convention in October 2021. The delegates will also report about good practices, challenges, innovative approaches, priority actions and needs to further promote effective access to justice in information cases as identified in the study.

5. Stocktaking of recent and upcoming developments

Timing: Tuesday, 16 February, 2–3.45 p.m.

The session will take stock of developments regarding the implementation of the third pillar of the Convention, including those related to COVID-19 pandemic, with regard to (a) access; (b) review proceedings; (c) financial barriers; and (d) tools to promote effective access to justice.

¹¹ All documents will be made available at <https://unece.org/environmental-policy/events/thirteenth-meeting-task-force-access-justice-under-aarhus-convention>

¹² See <https://unece.org/environmental-policy/events/twenty-fourth-meeting-working-group-parties-aarhus-convention-site>

¹³ See <https://unece.org/environmental-policy/events/twelfth-meeting-task-force-access-justice-under-aarhus-convention>

¹⁴ See <https://unece.org/environmental-policy/events/twelfth-meeting-task-force-access-justice-under-aarhus-convention> and <https://unece.org/environmental-policy/events/eleventh-meeting-task-force-access-justice-under-aarhus-convention>

¹⁵ See <https://unece.org/environmental-policy/events/thirteenth-meeting-task-force-access-justice-under-aarhus-convention> (AJAI accordion tab).

The discussion will also contribute to the Convention's work on access to justice in the next intersessional period.

6. Other business

Timing: Tuesday, 16 February, 3.45–3.50 p.m.

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

7. Closing

Timing: Tuesday, 16 February, 3.50–4 p.m.

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