



Access to justice in environmental matters

The Aarhus package –
Focus on the Communication

European Commission
Directorate General for Environment
Unit E.4 – Compliance & Better Regulation

The Communication on 'Improving access to justice in environmental matters in the EU and its Member States'



Political context



Key messages



Priorities



Commission's role



The European Green Deal



(i) consider revising the Aarhus Regulation ...

(ii) The Commission will also take action to **'improve access to justice before national courts in all Member States'**.

Access to justice Communication and key messages

I. CALL FOR JOINT ACTION



II. THE IMPORTANCE OF ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS IN THE EU



III. THE EU AS A PARTY TO THE CONVENTION



IV. MEMBER STATES' OBLIGATIONS UNDER EU LAW



V. THE WAY FORWARD: PRIORITY AREAS FOR ACTION





Key messages – call for joint action

Aim of this Communication - vital role of Member States including national-level courts – preliminary references.



Safeguarding rights of NGOs and individuals.



The 2019 Environmental Implementation Report - **shortcomings** in national legal systems.



The Commission calls on Member States to **step up implementation** of applicable EU laws.



Key messages – Importance of national access to justice

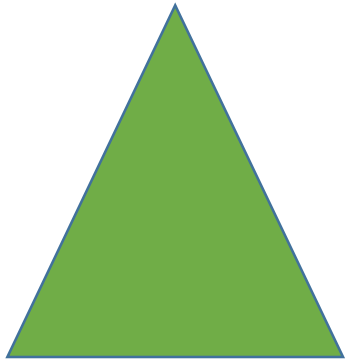
- Fundamental right** of the EU's legal order
- Ensuring **accountability** of public administration
- Individuals and NGOs** play a crucial role in identifying potential breaches.
- Advocate General Sharpston:



‘Neither water nor the fish swimming in it can go to court. Trees likewise have no legal standing’.

The Communication and key messages –The EU and its Member States as parties to the Convention

National level



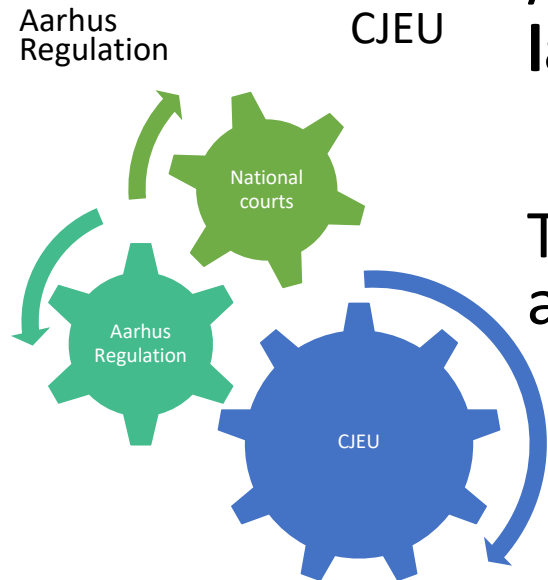
The EU and its 27 Member States parties to the **Aarhus Convention**.



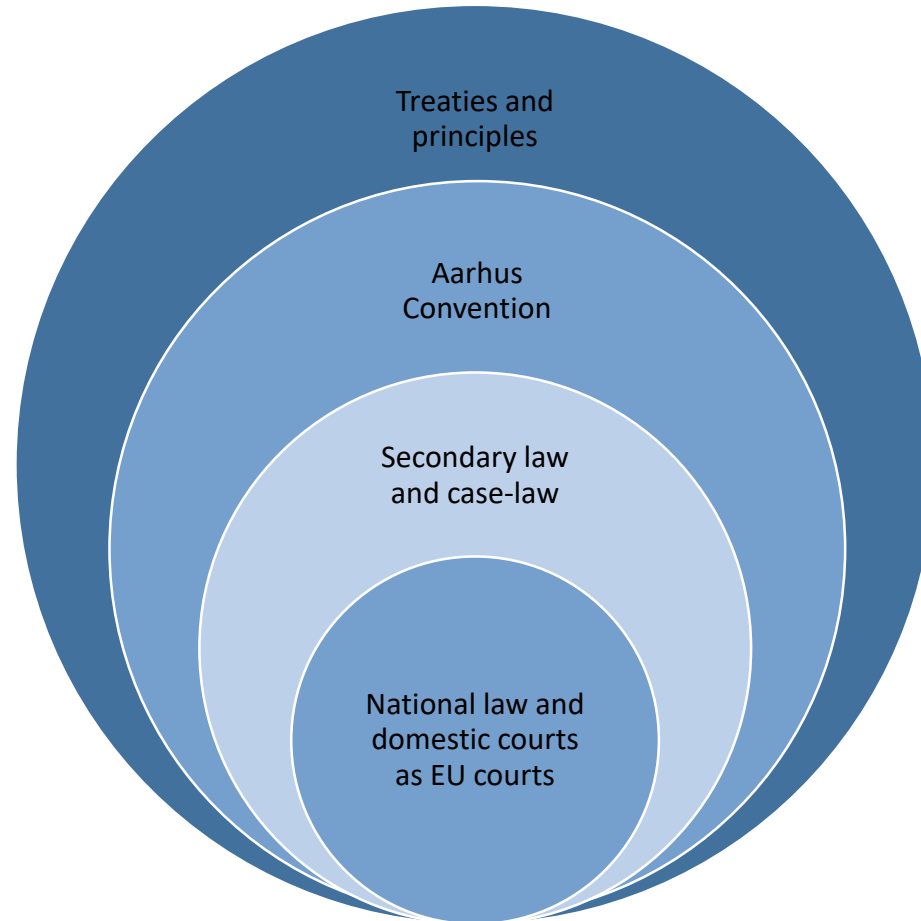
Access to administrative and judicial review is a **multi-layered system in the EU**.



The appropriate **functioning** of the **EU's system** of administrative and judicial redress.



The Communication and key messages – Member States obligations (1)



2017 Commission Notice on access to justice describing the standards:
<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2017:275:TOC>



Key messages – Member States obligations (2)

The 2019 Environmental Implementation Report – **evaluation of** national legal systems.

Shortcomings in terms of safeguarding rights of NGOs and individuals.

Main problems included:



Standing or locus standi



Prohibitive costs

The priority areas of action

1. Member States to secure **correct transposition** of EU secondary law
2. Co-legislators to include **provisions on access to justice** in draft EU legislation for new or revised EU law concerning environmental matters
3. The **review** by the Member States of their **own national legislative and regulatory provisions** to remove barriers based on case-law of CJEU
4. The obligation of national courts to **guarantee the right of individuals and NGOs** to an effective remedy under EU law.



The Commission support



1. Improving access to information and monitoring



2. Engaging with stakeholders, continuing cooperation with judges



3. Legislative proposals – legal certainty



4. Guardian of the Treaties



eJustice portal



- In support of the 4 priorities identified including transposition, legislation and role of national judges:
- **Monitor the implementation** of EU law regarding access to justice in environmental matters.
- To facilitate this, it will make information available online on the [Commission's eJustice-portal](#).

What will the eJustice fact sheets deliver?



‘Mirror, mirror on the wall who is the fairest one of all?’

[Source: Snow White](#) by the [Brothers Grimm](#), as adapted by Walt Disney.

Fact sheets on access to justice in environmental matters

- **Contract launched** in December 2019 – COWI and Justice and Environment
- To be delivered in 2 languages
- **2021 end February: Conclusion**