

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

Fourteenth meeting

Geneva, 27-28 April 2022

Item 1 of the provisional agenda

Opening and adoption of the agenda

Annotated provisional agenda for the fourteenth meeting¹

To be held in Tempus 3, Palais des Nations, Geneva
starting at 3 p.m. on Wednesday, 27 April 2022

I. Provisional agenda

1. Opening and adoption of the agenda.
2. Thematic focus:
 - (a) Access to justice in cases related to spatial planning;
 - (b) Access to justice in energy-related cases.
3. Stocktaking of recent and upcoming developments.
4. Tools to promote effective access to justice.
5. Other business.
6. 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 VII/3 on promoting effective access to justice, adopted at its seventh session (Geneva, 18–21 October 2017)². In addition, this work area is also addressed in the Strategic Plan 2022-2030 and the Work Programme 2022-2025 adopted through decisions VII/11 and VII/5 respectively by the Meeting of the Parties at the seventh session³.

The Task Force 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.

The thematic sessions of the present meeting will focus on **access to justice in cases related to spatial planning and in energy-related cases**. The Task Force will identify current trends, good practices, barriers, challenges, and innovative approaches in these areas. Furthermore, the delegates also will take stock of recent and upcoming developments regarding (a) public interest litigation and collective redress; (b) standing; (c) timeliness; and (d) costs and access to assistance mechanisms. The Task Force also will consider tools to promote effective access to justice such as (a) dissemination of information on access to review procedures, collection of relevant data and statistics and access to relevant case law using e-justice initiatives, modern digital technologies and other tools; (b) specialization of judiciary and other legal professionals in environmental law; and (c) measures to discourage strategic lawsuits against public participation (SLAPP).

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, analytical studies⁶ and the jurisprudence database⁷ as well as the Implementation Guide⁸, relevant Aarhus Clearinghouse resources⁹, Compliance Committee reports¹⁰, and other material.

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 for particular agenda items are invited to contact the secretariat (public.participation[at]un.org) as soon as possible, by **1 April 2022**, briefly outlining its focus in relation to the agenda items. The list of speakers will be released shortly before the meeting.

² See <https://unece.org/environment/documents/2022/02/aj-decision-excerpts-vii3>

³ See <https://unece.org/environment-policy/public-participation/strategic-plan-2022-2030> and <https://unece.org/environment-policy/public-participation/work-programme-2022-2025>

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/public-participation/aarhus-convention/analytical-studies-on-access-to-justice> .

⁷ See <https://unece.org/environment-policy/public-participation/tfaj/case-law-related-convention> .

⁸ See <https://unece.org/environment-policy/publications/aarhus-convention-implementation-guide-second-edition> .

⁹ 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 .

¹⁰ See <https://unece.org/environment-policy/public-participation/aarhus-convention/compliance-committee> .

1. Opening and adoption of the agenda

Timing: Wednesday, 27 April, 3–3.10 p.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:

(a) Access to justice in cases related to spatial planning

Timing: Wednesday, 27 April, 3.10–5 p.m.

The session will focus on promoting access to justice to challenge decisions, acts and omissions that contravene permit requirements or laws relating to the environment with regard to spatial planning.

Delegates will be invited to share good practices, innovative approaches and challenges encountered in the above cases with regard to the following key issues: (a) decisions, acts and omissions that can be reviewed; (b) selection of forum, standing and assistance to bring a case; (c) proceedings, in particular scope of review, evidence and expertise, burden of proof, costs and etc.; and (d) available remedies, including injunctive relief, and their enforcement.

(b) Access to justice in energy-related cases

Timing: Wednesday, 27 April, 5–6 p.m. and Thursday, 28 April, 10–11 a.m.

The session will focus on promoting access to justice to challenge decisions, acts and omissions that contravene permit requirements or laws relating to the environment with regard to energy-related projects, plans and policies.

Delegates will be invited to share good practices, innovative approaches and challenges encountered in the above cases with regard to: (a) decisions, acts and omissions that can be reviewed; (b) selection of forum, standing and assistance to bring a case; (c) proceedings, in particular scope, evidence and expertise, burden of proof, costs and etc.; and (d) available remedies, including injunctive relief, and their enforcement.

3. Stocktaking of recent and upcoming developments

Timing: Thursday, 28 April, 11 a.m.–1 p.m.

The session will focus on recent and upcoming developments regarding the implementation of the third pillar of the Convention.

Delegates will be invited to share experiences, challenges and good practices and identify further needs with regard to (a) public interest litigation and collective redress; (b) standing; (c) timeliness; and (d) costs and access to assistance mechanisms.

4. Tools to promote effective access to justice

Timing: Thursday, 28 April, 3 p.m. – 5.45 p.m.

The session will focus on progress in implementing tools to promote effective access to justice.

Delegates will be invited to share experiences, challenges and good practices and identify further needs related to (a) dissemination of information on access to review procedures, collection of relevant data and statistics and access to relevant case law using e-justice initiatives, modern digital technologies and other tools; (b) specialization of judiciary and other legal professionals in environmental law; and (c) measures to discourage strategic lawsuits against public participation (SLAPP).

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

5. Other business

Timing: Thursday, 28 April, 5.45–5.50 p.m.

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

6. Closing

Timing: Thursday, 28 April, 5.50–6 p.m.

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