



Legislative implementation of Art. 9(3) & (4) Aarhus Convention

A new push in the EU

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Agenda

- Need for EU legislative action to implement Art. 9(3) and (4) Aarhus Convention
- Lessons learned
- Future opportunities



Implementation of Art. 9(3)+(4) incomplete

Consistent evidence of barriers in EU MS - most recent:

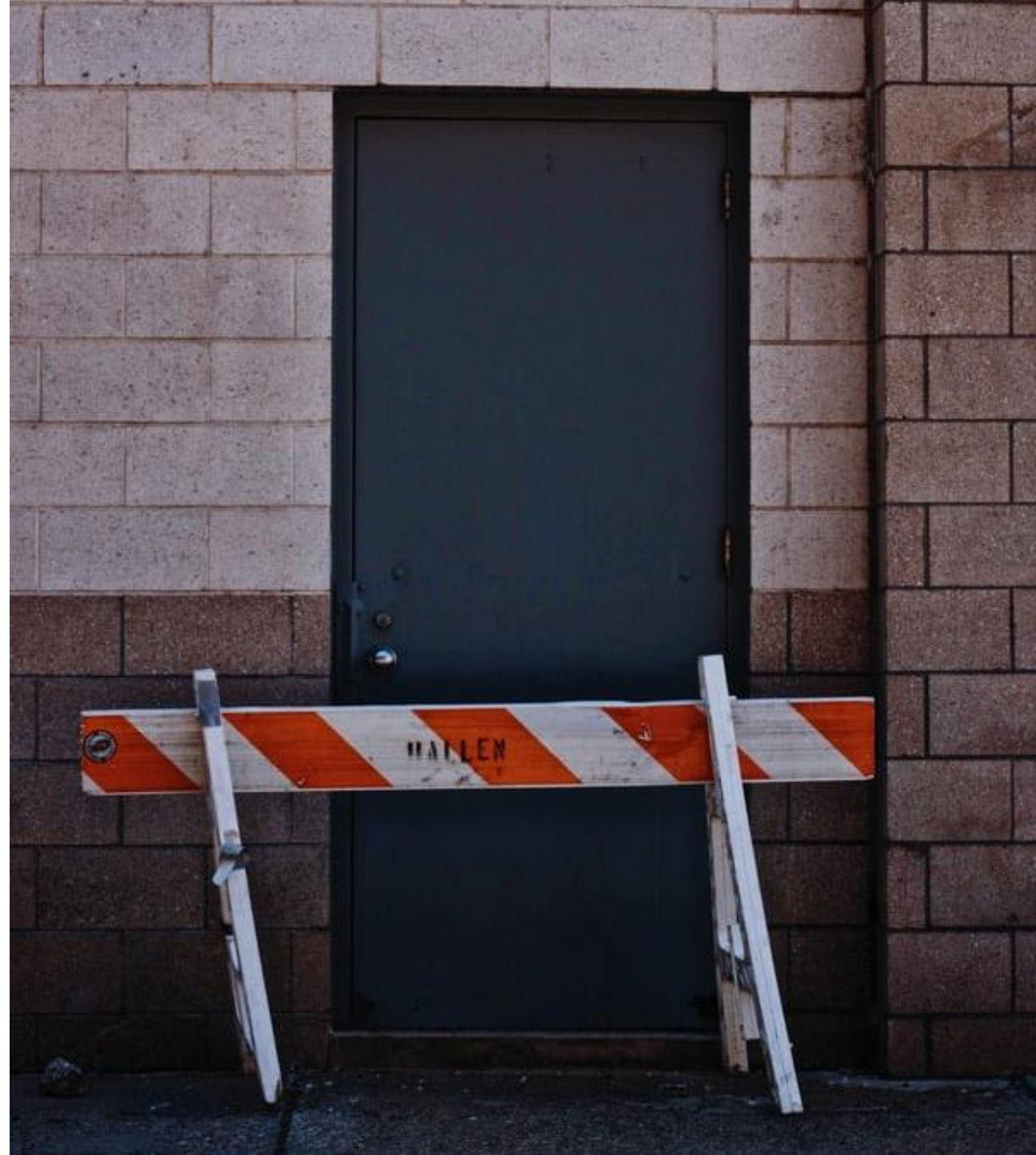
- 2019 IEEP & Milieu Studies;
- 2019 EIR Communication, p. 7;
- See also 2021 e-justice fiches

E.g.: “broad legal standing is granted by law and in practice in less than half of the Member States (13 out of [back then] 28)”



Main barriers requiring legislative intervention

- Lack of standing / restrictions to scope of review
- Prohibitive costs
- Insufficient standard of review



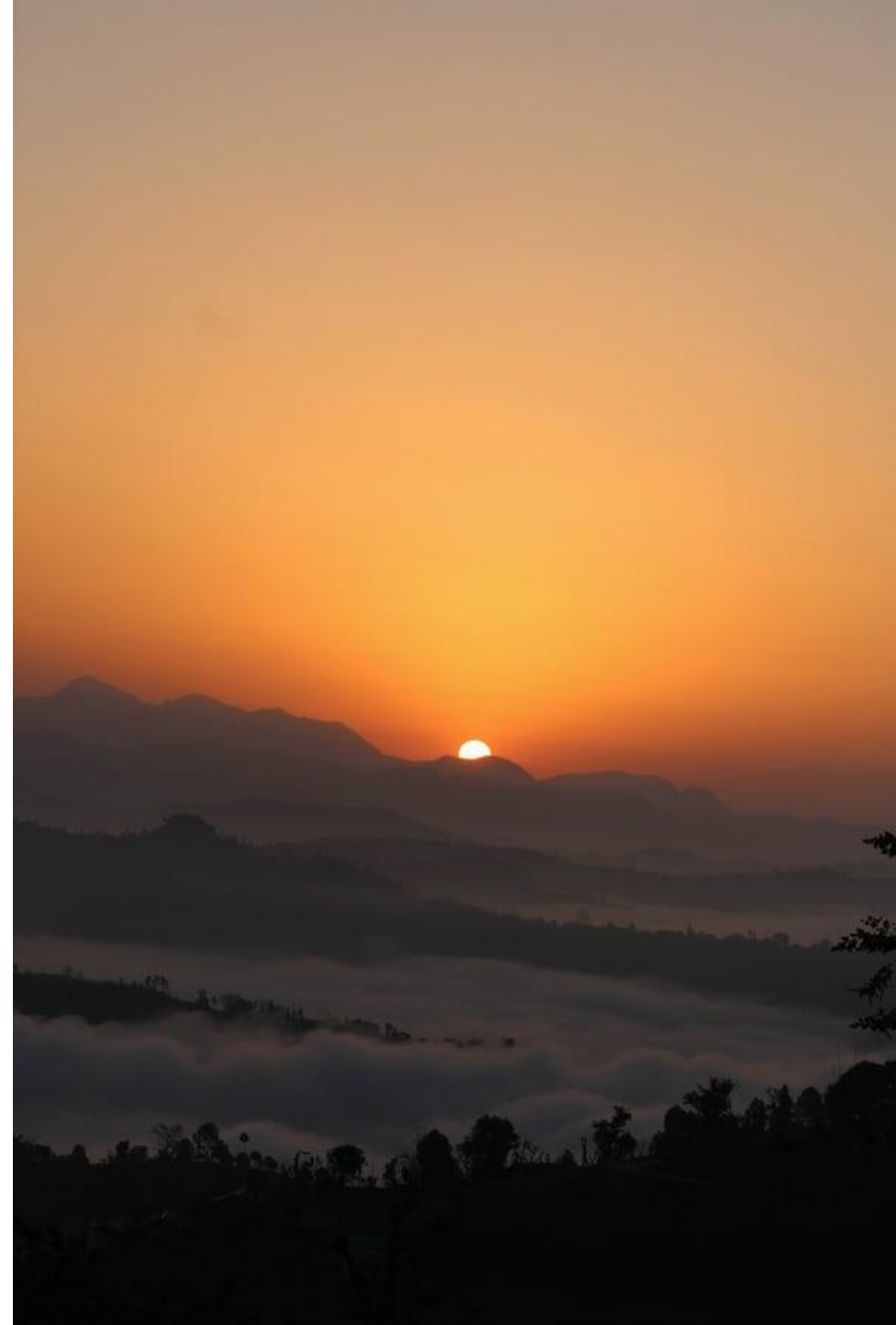
An urgent need for action

- Access to justice = human right

(Art. 47 EU Charter, Art. 6 and 13 ECHR) + right to healthy environment (Art. 1 Aarhus Convention) etc

- Crucial for better implementation and enforcement

E.g.: create 400,000 jobs and additional annual turnover of EUR 42 billion if EU waste policy is implemented (2019 EIR)



European Commission Priority Areas

1. MS to ensure correct transposition of EU secondary law;
2. EU co-legislators to include provisions on access to justice in EU legislative proposals concerning environmental matters;
3. MS to review their national legislative and regulatory provisions
4. National courts to guarantee the right to an effective remedy



Zoom in on Priority 2: Inserting A2J provisions under EU law

- Failed / insufficient attempts:
 - Horizontal Directive (COM/2003/624)
 - Art. 12 Single Use Plastics Directive ;
Art. 16 Drinking Water Directive & Art. 12
Water Reuse Regulation proposals
 - Statement on the EU Climate Law
- = Insufficient to ensure A2J on the ground



Zoom in on Priority 2: Inserting A2J provisions under EU law

- Many opportunities:
 - Current: Art. 30 Deforestation Proposal;
 - Upcoming: Effort Sharing Regulation, Restoration Law, Air Quality Directive, Chemicals (REACH), Food Systems Law
 - ...



What we need

- Help of EU Aarhus NFPs and other experts to explain the importance of A2J in EU legislation
- All delegates to push for legislative implementation of Art. 9(3) Aarhus Convention



Thank you!

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