

Aarhus Convention Compliance Committee (ACCC)

Communication ACCC/C/2015/134

**Comments of the Walloon Region on the Committee's Draft findings**

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To the Chair and Members of the Committee

Dear Ladies and Gentlemen,

Thank you for sending your draft findings in this case. In the name and on behalf of the Walloon Region, I herein respectfully submit the following two observations for your consideration:

- 1) in order to take into account the contents of paragraph 112 of the draft findings, might it be useful to add the following to the first sentence of paragraphs 116 and 117: 'taking into consideration that the CRAIE did not inform the communicants that it had extended the time period to determine these three appeals beyond the standard one-month period provided for in its domestic legislation'?
- 2) in the letter from their lawyer dated 13 July 2021, the communicants assert, with regard to paragraphs 143 et seq. of the draft findings, that the majority of applicants for access to environmental information who have to seek review before the Justice of the Peace engage counsel for that purpose: however, they do not produce any statistical data in support of this point, merely referring to their lawyer's personal experience.

Moreover, the arguments put forward by the communicants to support their assertion that it is necessary to engage counsel are unfounded:

- as was pointed out in the Walloon Region's Memo of 1 March 2018 (p. 8), the Justice of the Peace presides over a court that is designed to be 'the closest to ordinary citizens', which means that advice may properly be given to the litigants by the Clerk of the Court;
- contrary to the communicants' statement, the rules at issue in a review before the Justice of the Peace in this type of case do not include a European directive, the Aarhus Convention or the Walloon Environmental Code: rather, this appeal relates only to a binding CRAIE decision that needs to be enforced;
- the cases submitted by the communicants did not in any way require a disciplinary complaint to the Minister for Local Government, a 'detailed criminal complaint' to the Public Prosecutor or a complaint to the European Commission. Enforcement of CRAIE decisions can be obtained

merely by application to the Justice of the Peace. It was most probably the communicants' lawyer who suggested these additional steps: in some instances they were expensive and, unless I am mistaken, they all proved fruitless;

- given the simplicity of the proceedings, which were based solely on the issue of enforcing CRAIE decisions, the fact that the Town of Stavelot had engaged counsel did not mean the communicants necessarily had to do the same;
- indeed, it is the simplicity of the proceedings that explains why the Justice of the Peace reduced the case preparation allowances claimed by the communicants' lawyer to the minimum amounts;
- what is more, if the communicants are submitting that a period of a few months is too long for these proceedings, this necessarily implies that they consider the legal issue before the court to be straightforward.

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I remain yours sincerely,

M. Delnoy