

16 September 2023

Mr. Andrea Saccucci and Ms. Cecilia De Marziis
Rome
Italy

Dear Mr. Saccucci and Ms. De Marziis,

Re: Communication to the Aarhus Convention Compliance Committee concerning compliance by Italy in connection with access to justice for unregistered environmental associations and orders for costs (ACCC/C/2023/200)

On 2 May 2023, the secretariat of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) received the above communication from the organization Comitato per la tutela dell'ambiente e la salute dei cittadini (ex No-Maxi stalla) addressed to the Compliance Committee of the Convention. The communication alleges non-compliance with articles 2(5), 3 (1) and (4) and 9 (2) and (3) regarding access to justice for unregistered environmental associations (Part A of the communication). In addition, the communication alleges non-compliance with articles 3 (1) and 9 (2)-(4) of the Convention in relation to costs orders against unsuccessful claimants in environmental litigation (Part B of the communication). The communication was submitted in accordance with the provisions of chapter VI of the annex to decision I/7 of the Meeting of the Parties.

The communication has been registered under the symbol ACCC/C/2023/200, which you are invited to cite in future correspondence on the matter. All documentation relating to the communication is available on the Committee's website at: <https://unece.org/env/pp/cc/communications-from-the-public>.

At its seventy-ninth meeting (Geneva, 13–16 June 2023), the Committee heard the views of the communicant and the Party concerned on the preliminary admissibility of the communication in open session. After considering in closed session the information received, the Committee determined that the communication was admissible on a preliminary basis. A copy of the preliminary determination on admissibility is attached.

With respect to Part B of the communication, the Committee recalled its findings on communication ACCC/C/2015/130 (Italy), in which it held that “by failing to ensure that costs orders against unsuccessful claimants in review procedures under article 9 (2) and (3) of the Convention are fair and not prohibitively expensive, the Party concerned has failed to comply with article 9 (4) of the Convention”¹ and that “by not having in place a clear and transparent framework for determining costs orders against unsuccessful claimants in review procedures under article 9 (2) and (3) of the Convention, the Party concerned fails to comply with article 3 (1) of the Convention”.² The Committee recalled that in its follow-up on decision VII/8j (Italy), the Committee is currently examining the progress made by the Party concerned to address its findings on communication ACCC/C/2015/130 (Italy) and the related recommendations. In these circumstances, and in accordance with the procedure agreed at its twenty-eighth meeting ([ECE/MP.PP/C.1/2010/4](#), para. 45), the Committee agreed to apply its summary proceedings procedure to Part B of the communication, and to invite the communicant to take part in the follow-up on decision VII/8j and any decision of the Meeting of the Parties that may supersede it.

The Committee has requested the secretariat to forward the communication to the Party concerned for its response to Part A of the communication. Please note, however, that the Committee has not reached any conclusions with respect to the compliance issues referred to in Part A of the communication.

Please do not hesitate to contact the secretariat if you require any further information.

Yours sincerely,



Fiona Marshall

Secretary to the Aarhus Convention Compliance Committee

Cc: Permanent Mission of Italy to the United Nations Office and other international organizations in Geneva
Ms. Chiara Landini, Ministry of Environment and Energy Security, Italy
Ms. Summer Kern, Justice and Environment, observer

Enc: Preliminary determination on admissibility

¹ ECE/MP.PP/C.1/2021/22, para. 127 (c).

² ECE/MP.PP/C.1/2021/22, para. 127 (f).