



Panel (a) Access to justice to challenge violations of laws relating to the environment. key challenge(s), trends, good practices and suggestions for the way forward

a brief introduction to the discussions on:

Collective Redres in Environmental Matters: matter of fact or (still) work in progress?

Dr. J.G.B. Pikkemaat, Ministry of Infrastructure & Water Management, NL,

28th Working Group of the Parties to the Aarhus Convention,

Geneva, 2-4 July 2024



Collective litigation frameworks: defining collective redress

- Collective redress: the legal process obtaining compliance with the law if individual means of redress or legal action fail to do so
- Materially same content; accumulated individual interests
- (i) group actions
 - (ii) representative actions
 - (iii) group settlements



Models for Environmental Redress

(i) Public Law:

- administrative act challenging the environment
- locus standi for representative associations/NGO's,
- possibilities for redress determined in administrative procedural law

(ii) Civil Law:

- claims related to violation of the environment,
- collective actions in the public interest: environmental NGO's
- locus standi in civil procedural law, interest-based approach
- compensation through redress for damages

(Criminal Law: modalities for redress not widely used (?))



Collective Redress Framework

- Can a (well-established) framework of collective litigation be identified?
- *Trends*: increase of collective redress-actions
- *Key challenges*: legal certainty, case-load, judiciary
- *Good practices*: balancing procedural admission rules & effective compliance
- *Suggestions for the way forward?*

- *Environmental Collective Redress: an already secure asset or still work in progress(?)*