

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

Working Group of the Parties

Twenty-eighth meeting

Geneva, 2-4 July 2024

Item 4 (a) of the provisional agenda

Substantive issues: thematic session on access to justice

Access to Justice

Provisional programme for the thematic session on access to justice
to be held on Tuesday, 2 July, 10.50 a.m.-1 p.m. and 3-3.10 p.m.¹

Chair: Mr. Luc Lavrysen

A thematic session on access to justice aims to promote the implementation of article 9 of the Aarhus Convention drawing on recent developments, trends and barriers in this area. Its outcomes are expected to further other important commitments, notably, the achievement of Sustainable Development Goals, in particular Goal 16 with its target 16.3 that undergo in-depth review this year.

The topics for discussion are based on decision VII/3 on promoting effective access to justice (ECE/MP.PP/2021/2/Add.1), adopted by the Convention's Meeting of the Parties at its seventh session (Geneva, 18–21 October 2021), and the key outcomes of the work of the Task Force on Access to Justice. The Working Group will be invited to focus its discussion on: (a) access to justice to challenge violations of laws relating to the environment; and (b) the role of collective redress in environmental matters. The Working Group will also consider synergies with relevant activities under other international forums and cooperation between ministries of the environment and ministries of justice.

I. Introduction by the Chair

Timing: 10.50-10.55 a.m.

The Chair of the session will introduce organization of work during the thematic session and the main topics for discussion.

II. Access to justice to challenge violations of laws relating to the environment

Timing: 10.55-11.50 a.m.

The session will take stock of key achievements, challenges and trends in ensuring effective access by members of the public to administrative and judicial review procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment (article 9 (3) of the Convention). The discussion is expected to address a number of systemic challenges reported in 2021 national implementation reports and identified through the work of the Task Force on Access to Justice with regard to standing, selection of forums, admissibility of cases, scope of review, burden of proof, costs and remedies. The outcomes of the discussion will allow Parties to identify necessary legal, regulatory and other measures to improve the implementation of these provisions.

¹ This document was not formally edited.

Panellists: 40 min (10.55-11.35 a.m.)

Ms. *Charlotta Von Troil*, Senior Ministerial Advisor, Legislative Affairs, Ministry for the Environment, Finland

Ms. *Tina Janjatovic*, Senior Legal Adviser, Ministry of Environmental Protection, Serbia

Ms. *Venera Boltobaeva*, Executive Director, Association of Judges of the Kyrgyz Republic

Ms. *Remina Aleksieva*, Environmental Law Liaison Officer, Youth and Environment Europe/European ECO Forum

Discussion 15 min (11.35-11.50 a.m.)

III. The role of collective redress in environmental matters

Timing: 11.50 a.m.-12.45 p.m.

One of the successful practices applied in a number of countries is the collective redress in environmental matters. The session will focus on legal and policy developments related to collective redress mechanisms that provides for a possibility for two or more members of the public or by an entity entitled to bring a representative action (e.g. environmental NGOs) to claim collectively cessation of illegal activities or claim compensation in environmental disputes. The outcomes of the discussion will allow other Parties to learn from this positive experience.

Panellists: 40 min (11.50 a.m.-12.30 p.m.)

Mr. *Joost Pikkemaat*, Senior Lawyer, Ministry of Infrastructure and Water Management, the Netherlands

Ms. *Silvia Martinez Canton*, Senior Judge, European Forum of Judges for the Environment, and Professor, International University of La Rioja, Spain

Ms. *Summer Kern*, Senior Lawyer, Association Justice and Environment/European ECO Forum

Discussion 15 min (12.30-12.45 p.m.)

IV. General discussion

Timing: 12.45 - 1 p.m.

General discussion on measures to promote effective access to justice.

V. Conclusions

Timing: 3–3.10 p.m.

The Chair of the thematic session will make concluding remarks.

Background material:

Decision VII/3 on promoting effective access to justice (document ECE/MP.PP/2021/Add.1) available from <https://unece.org/environment/documents/2022/02/pp-aarhus-convention-mop7-decision-vii3-access-justice>

Report on the outcomes of the survey on measures to enable effective access to justice in environmental matters (ECE/MP.PP/WG.1/2024/11) and its accompanying document (AC/WGP-28/Inf.10) available from <https://unece.org/environmental-policy/events/twenty-eighth-meeting-working-group-parties-aarhus-convention>

Note by the Chair of the Task Force on Access to Justice on possible future directions for the work (AC/WGP-28/Inf.3) available from <https://unece.org/environmental-policy/events/twenty-eighth-meeting-working-group-parties-aarhus-convention>

2021 Synthesis report on the status of implementation of the Convention (document ECE/MP.PP/2021/6, paras. 183-220 and 269) and national implementation reports (questions XXVIII-XXXI) available from <https://aarhusclearinghouse.unece.org/national-reports/reports>

Background documents, presentations and meeting outcomes of the Task Force on Access to Justice, analytical, capacity-building and domestic case-law related to the Convention available from <https://unece.org/env/pp/aarhus-convention/tfaj>

Relevant resources of the Aarhus Clearinghouse available from <https://aarhusclearinghouse.unece.org/>
