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**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  
(Second meeting, 3-4 May 2004)

**REPORT ON THE SECOND MEETING OF  
THE TASK FORCE ON ACCESS TO JUSTICE**

1. The second meeting of the Task Force on Access to Justice was held in Geneva on 20-21 November.
2. The meeting was attended by representatives from the Governments of Armenia, Austria, Belgium, Bulgaria, Denmark, Finland, Georgia, Germany, Kyrgyzstan, Latvia, Netherlands, Portugal, Republic of Moldova, Romania, Serbia and Montenegro, Spain, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia, United Kingdom and Uzbekistan. The Commission of the European Communities was also represented.
3. Representatives from the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP) and the United Nations Institute for Training and Research (UNITAR) attended the meeting.
4. The following regional, non-governmental and other organizations were also represented: Association of Environment Counsellors (Japan), Earthjustice, Environmental Experts Association (Romania), European ECO Forum, Legal Advocacy and Advisory Center of Serbia, Independent Institute of Environmental Concerns (Germany), Legal Advocacy and Advisory Center of Serbia, Öko-Institut (Germany), the Regional Environmental Center for Central and Eastern Europe (REC) and World Conservation Union (IUCN).

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5. Representatives and members of the following judicial and academic institutions attended: Centre for Legislative Studies, Tilburg University (Netherlands), International Association of Judges (IAJ-UIH) and Supreme Court of Queensland (Australia).

6. Mr. Marc Pallemarts (Belgium), Chairman of the Task Force, welcomed the participants and opened the meeting.

## I. ADOPTION OF THE AGENDA

7. The Chairman proposed that the Task Force adopt the provisional agenda that had been circulated with the invitation to the meeting.

8. A number of delegations reiterated the view, put forward by many delegations at the first meeting of the Working Group of the Parties, that the Task Force should focus on examining good practice examples and capacity-building rather than on engaging in discussions on other, more theoretical issues related to access to justice or attempting to develop interpretative guidelines, and that, as had been stated by other delegations at the Working Group's first meeting, it was important to exchange information not only on good practices but also to learn from problems and mistakes (MP.PP/WG.1/2003/2, para. 23).

9. These delegations questioned the consistency of proposed agenda items 3 ('Implementation of article 9, paragraph 3, of the Convention: further consideration of the points referred to in paras. 18, 24 and 28 of the report of the first meeting') and 4 ('Implementation of article 9, paragraphs 4 and 5, of the Convention: further examination of good practices with respect to the adequacy and effectiveness of remedies and consideration of the formulation of proposals for recommendations on such practices') with the views that had been expressed in the Working Group and proposed that they be removed from the agenda. If those agenda items were to be included, it should be borne in mind that some conclusions of the first meeting of the Task Force were adopted with the qualification that they would be further discussed by the Task Force, i.e. they were not adopted as final conclusions (MP.PP/WG.1/2003/3, paras. 18, 24 and 28).

10. A number of other delegations defended the inclusion of agenda items 3 and 4. They considered that those agenda items did not just address theoretical issues, but in both cases addressed good practices. Some of these delegations indicated that it was not sufficient for the Task Force only to share experiences; others stated that a discussion on those agenda items could be useful to help countries with economies in transition to implement article 9 more effectively.

11. Noting that the discussion reflected a similar division of opinion to that which had emerged during the meeting of the Working Group of the Parties, the Chairman pointed out that the agenda items in question fell explicitly within the mandate of the Task Force according to decision I/5. The inclusion of proposed agenda item 3 was a direct consequence of the consensus at the previous meeting of the Task Force that the points listed in paragraphs 18, 24 and 28 of the report of that meeting required 'further consideration' or 'further reflection' by the Task Force. However, he proposed to address those items on which there had not been a substantive discussion at the previous meeting before those that had already been partially discussed. With this understanding, the agenda was adopted.

## II. RELEVANT DEVELOPMENTS SINCE THE PREVIOUS MEETING

12. The delegation of Bulgaria informed the Task Force that the Bulgarian parliament had ratified the Convention at the beginning of October 2003 and that the necessary arrangements for depositing the instrument of ratification were well advanced.

13. REC informed the Task Force about the results of a project on developing an implementation strategy and action plan for the Convention in six countries, which included the development of specific recommendations on access to justice. Within this project, which was funded by the Netherlands, several capacity-building workshops had been held for members of the judiciary and legal professionals. Another REC project, also funded by the Netherlands, involved establishing legal advocacy advisory centres in South Eastern Europe. Concrete environmental legal advocacy activities were going on in four countries and three advocacy centres had been established in the region. The delegation of Serbia and Montenegro, which was one of the countries involved in these projects, reported on the national results including a survey on the most common environmental cases and a workshop for judges and prosecutors on the Convention's article 9.

14. REC also reported on the latest developments regarding the Handbook on Access to Justice, notably the re-publication of the English version in 1000 copies with the support of the Government of the Netherlands and the distribution of 750 copies of the Handbook to a large audience including the national focal points of the Convention, the participants in the workshops in Tallinn and the members of the Task Force. The Russian version of the Handbook would be ready for distribution by the end of February 2004. REC acknowledged the support of the Governments of the United Kingdom and the Netherlands.

15. IUCN informed the Task Force that symposia had been organized for West European judges in Rome (May 2003) and London (October 2003) as well as, together with UNEP, Ecopravo-Lviv, the Academy of Judges and the Judicial Administration of Ukraine, for Chief Justices of Eastern Europe, the Caucuses and Central Asia and on the role of the judiciary in the enforcement and implementation of environmental law: regional needs assessment, in Lviv, Ukraine (May 2003). The outcome of the symposia in London and Lviv were contained in the London Bridge Statement and Lviv Statement respectively. IUCN also informed the Task Force about the IUCN/UNEP "Judicial Portal" launched at the UNEP Global Judges Symposium in Johannesburg, South Africa (August 2002). To help create a global network of judges and a global databank of judgments on environmental cases. The aforementioned statements and more information on the "Judicial Portal" was available on the IUCN web site at [www.iucn.org/themes/law](http://www.iucn.org/themes/law).

16. The delegation of the United Kingdom reported on four different non-governmental research projects, looking at broad aspects of environmental justice, that were going to be presented at a Conference organized by University College London (UCL) on 24 November 2003. Mr. Richard Macrory (UCL) would present his work on "Modernizing Environmental Justice: Regulation and the Role of an Environmental Tribunal" and "The case for civil penalties for environmental regulatory offences" (results not yet available). Mr. Paul Stookes, (Environmental Law Foundation) would present a study on "Civil law aspects of environmental justice", Ms. Maria Adebawale, (Capacity Global) would present her research on "Using the Law: Barriers and Opportunities for Environmental Justice" and Environmental Resources Management would present its study on "Trends of sentencing for environmental offences". The

projects would be available from early December 2003 on [www.sustainable-development.gov.uk](http://www.sustainable-development.gov.uk) (see “access to environmental justice”).

17. The European Commission presented information on the latest developments concerning its adoption of an ‘Aarhus Package’ on 24 October 2003. The Commission’s proposal included a draft directive on access to justice (COM(2003) 624 final) that would complement the already existing Directive on public access to environmental information (2003/4/EC) and the Directive on public participation (2003/35/EC). The views of member States, accession countries, NGOs, enterprises as well as other stakeholders had been taken into account in developing the proposal, as well as the principle of subsidiarity and the traditions of different legal systems in the member States. The draft directive focused on different provisions on access to justice such as legal standing and requirements for environmental proceedings, and was available at <http://europa.eu.int/comm/environment/aarhus/index.htm>. It would follow the co-decision procedure involving the EU Council of Ministers and the European Parliament.

18. A representative of the Öko Institut gave a preview of the results of a recent study on access to justice in eight EU countries, carried out jointly by the Öko Institut and Centre d’étude du droit de l’environnement. The study had been commissioned by (and was the property of) the European Commission in order to provide input to the preparation of the draft directive and its results would be formally launched in Brussels the following day. Among its main findings were the following:

- (a) The number of legal actions brought by NGOs varied substantially between different countries and the explanation for this could be found in differences in accessibility of courts, cost and length of proceedings and different levels of experience among NGOs. The success rates of the cases also varied. There was a growing number of legal actions by NGOs, though the number was still quite limited;
- (b) Whereas all areas of environmental law had been the subject of court cases, the three main subjects of cases were nature protection, infrastructure/planning and industry;
- (c) The conditions for access to justice differed considerably mainly because of differences in court systems, specific requirements for standing of NGOs and other important factors such as costs, injunctions and length of proceedings. This had consequences for the extent to which EU environmental law was enforced in the member States;
- (d) Among the positive effects of NGO action identified were better enforcement of national and EU environmental law, important democratic aspects and macroeconomic effects;
- (e) For the new EU directive on access to justice, it was recommended that standing should include access to civil and criminal courts, should not be unduly constrained and should not require any obligatory registration. Furthermore, the importance of reducing costs and making injunctions possible were emphasized.

The representative of the European Commission pointed out that some of these recommendations, such as those relating to access to criminal courts or to legal standing for NGOs, were not taken on board due to the need to respect the EC Treaty.

19. The Task Force expressed its appreciation for the efforts of each of the governments and organizations involved in these activities.
20. The European ECO Forum informed the Task Force of the outcome of a court case in Georgia in which use had been made of the access to justice provisions of the Convention. The court had ruled that the Government was required to make the Convention available in the national language.
21. A question on the financial implications of the implementation of the provisions on access to justice was raised by one delegation. However, other delegations indicated that in their countries no additional costs were related to this matter.

### **III. IMPLEMENTATION OF ARTICLE 9, PARAGRAPH 3, OF THE CONVENTION**

22. The Task Force resumed its discussion on the implementation of article 9, paragraph 3, which it had started at the previous meeting. The Chairman invited delegations to focus on the issues referred to in paragraphs 18, 24 and 28 of the report of that meeting (MP.PP/WG.1/2003/3) and to consider whether they should be addressed in draft recommendations of the Meeting of the Parties, in one form or another.
23. A similar discussion to that which had accompanied the adoption of the agenda took place. Some delegations, notably from EU countries, expressed the firm view that it would be either inappropriate or at least premature to develop draft recommendations, in particular having regard to the diversity of systems in place in the various countries, and stated a preference for continuing to share information on good and bad practices and analysing problems for the time being. Others expressed a clear need for some kind of guidance on the implementation of article 9 which a recommendation could provide, and regarded this as complementary to and a logical extension of the work on sharing information on different practices. The Chairman reminded delegations that the earliest point at which recommendations could take effect would be after the second meeting of the Parties, scheduled for May 2005. If the Task Force was to focus on research and sharing information on an ongoing basis, this would have resource implications which delegations would need to take into account.
24. During the discussion, a number of general proposals for possible further actions were put forward, including:
- (a) Updating the Handbook on Access to Justice;
  - (b) Extending the Öko-Institut/CEDRE study to other countries;
  - (c) Further use of questionnaires to facilitate the sharing of information;
  - (d) Use of the Convention's clearing-house mechanism as a repository for information on the topic; and
  - (e) Carrying out a public opinion survey of hurdles to access to justice.

25. With regard to paragraph 18 of the report of the first meeting, it was proposed that a recommendation could call for a study along the lines of the Öko-Institut/CEDRE study being undertaken for other countries, addressing both good and bad practices, though some delegations considered that such research needed to be done more urgently. The question of the compatibility of any criteria being introduced in accordance with article 9, paragraph 3 (e.g. criteria specifying the territorial scope of an NGO), with the non-discrimination provision in article 3, paragraph 9, of the Convention was raised as a point for further consideration.

26. The Chairman, on behalf of the lead country, undertook to circulate a questionnaire on criteria for standing in the context of article 9, paragraph 3, in time for the responses to be collated in advance of the next meeting.

27. With regard to paragraph 24 of the report of the first meeting, the delegation of Denmark noted that there might be other administrative procedures besides access to administrative review bodies, such as those provided by the institution of Ombudsman and reserved its position on the paragraph. It was suggested that, with respect to paragraph 24 (c), it was only the final administrative review body which needed to be independent of the public authority whose act or omission was being challenged.

28. There were no specific comments on paragraph 28 of the report of the first meeting.

#### **IV. IMPLEMENTATION OF ARTICLE 9, PARAGRAPHS 4 AND 5, OF THE CONVENTION**

29. The Task Force discussed the implementation of article 9, paragraphs 4 and 5, of the Convention on the basis of a background paper prepared by the lead country addressing the adequacy and effectiveness of remedies.

30. During the discussion, distinctions were made between temporary injunctive relief and permanent injunctive relief; between injunctions against public authorities and those against private actors; and between administrative law and civil law procedures. It was noted that in some countries there was an inverse relationship between the likelihood, extent and irreversibility of potential damage and the weight of proof required to justify an injunction. It was also noted that the background paper focused on the type of system based on civil law, and that its findings were not so relevant to administrative law procedures. Significant differences in the ways in which the issues were handled in different countries emerged during the discussion. For example, in some countries, injunctive relief was available only in civil law procedures and was not an issue within administrative law procedures, because an appeal against an administrative decision automatically resulted in the suspension of its implementation pending a decision by the review body.

31. Summarizing the discussion, the Chairman noted that two issues had been raised which had not been addressed, or not sufficiently addressed, at the previous meeting or in the background paper:

- (a) First, there was the distinction between administrative and civil procedures, which applied differently in different countries;

(b) Second, these procedures usually involved the difficult task of balancing different interests. Often, this involved balancing quantifiable economic interests with unquantifiable environmental interests. One practice was having an expert assessor, who would assist the judge. Some delegations felt it was important to have guidance or recommendations on this issue whereas others felt that this was not needed.

## V. TRAINING OF THE JUDICIARY AND OTHER LEGAL PROFESSIONALS

32. In discussing the training of the judiciary, the Task Force took note of various ongoing initiatives. UNEP mentioned its programme on training carried out together with IUCN (see para. 15) and emphasized the importance of clearly identifying the needs of the judges being trained as well as the need to reach different levels of judges. A training Handbook for judges was being prepared as well as further training programmes. UNITAR informed the Task Force of another training programme which involved cooperating with law schools, and which it intended to eventually extend to public prosecutors and public-interest lawyers. UNDP informed the Task Force of the support that it was providing for the establishment of special judicial training centres where training in Aarhus-related matters was being incorporated as a regular part of the general training in environmental law.

33. REC reported on the need for further trainings based on the findings of the project funded by the Netherlands (see para. 13). Several other delegations from countries in transition emphasized that there were particular needs in such countries and proposed translating the Handbook on Access to Justice into national languages and organizing national trainings for members of the judiciary on the basis of the Handbook. It was also suggested that it would be useful to prepare commentaries on national legislation in those countries.

34. During the discussion, the issue of judges' attitudes towards the environment was raised. Some participants regarded training as an opportunity to encourage (some) judges to have a more informed attitude towards the natural environment, whereas others warned that attempting to influence attitudes in this way could constitute inappropriate interference with the independence of the judiciary, and urged that training should be focused simply on improving the understanding of the law.

35. It was noted that judges could not implement the Convention on their own, and that their ability to enforce its provisions depended upon the initiatives and financial possibilities of parties bringing cases before the courts.

36. The Task Force concluded that there was a definite need to make training available not only to judges but also to civil servants, public prosecutors and public-interest lawyers; that such training should cover both domestic and international environmental law relevant to the legal system of the country concerned; that there was a need to respect the fundamental principle of the independence of the judiciary; that, in any given context, it would be important to carry out a needs analysis before designing a training programme for that context; and that environmental law training needed to be integrated into the curricula of judicial training centres, academies and similar institutions as part of more general efforts to promote democracy and the rule of law.

## VI. NON-LEGAL BARRIERS TO ACCESS TO JUSTICE

37. In order to facilitate the discussion under this agenda item, and to follow up on what was stipulated in paragraph 44 (b) in the report of the first meeting of the Task Force (MP.PP/WG.1/2003/3), a questionnaire on financial and other non-legal obstacles to access to justice in environmental matters had been prepared by the lead country. The questionnaire included the following questions and invited delegations to give suggestions for the further work of the Task Force:

A. Financial barriers to access to justice:

1. Which mechanisms are in place in your country/organization for limiting or reducing costs of review procedures and financing access to justice?
2. What are the main advantages and/or inconveniences of these mechanisms?
3. Is the polluter pays principle taken into account to reduce the costs of review procedures and/or to finance access to justice?
4. Which alternative modes of dispute resolution applicable to environmental matters are in place in your country/organization?
5. What are the main advantages and/or inconveniences of these alternative modes?
6. Which (if any) mechanisms for limiting or reducing costs of review procedures and financing access to justice and/or alternative modes of dispute resolution in environmental matters are currently considered by your country/organization?
7. What is the focus of the discussion regarding the putting into place of such mechanisms/modes of dispute resolution?

B. Other barriers to access to justice (e.g. lack of – or insufficient – access to information on review procedures; lack of – or insufficient – legal aid):

8. Which barriers to access to justice other than financial barriers are hampering access to justice in your country/organization?
9. Should these other barriers be considered by the Task Force? If so, how?

38. The questionnaire had been circulated to all delegations at the first meeting of the Working Group of the Parties and sent out to focal points and different stakeholders electronically. Answers had been received from several governmental representatives as well as from NGOs and members of the judiciary. The secretariat had compiled the responses, which were provided as an informal document at the meeting. Late responses would be incorporated in an updated version of the document which would be made available on the web site.

39. The Chairman thanked those who had taken the time to reply to the questionnaire and invited those who had not provided information beforehand to do so during the meeting.

40. Some delegations commented on question 3. One delegation asked for clarification on the meaning of the polluter pays principle in this context and another delegation shared some national experience where judges, in judging on damage, might take the responsibility of the polluter into consideration. However, the delegation pointed out that this principle should not be seen as a non-legal obstacle as such, but more as a substantive point for the judges to bear in mind. Another delegation emphasized that this principle concerned material and not procedural law and could, therefore, according to its legal system, not be taken into account in the context referred to in the question. However, another delegation remarked that the principle could be important during the court procedure in taking future environmental impact into consideration.

41. Lack of knowledge of environmental legislation among the judiciary and the public in certain cases was mentioned as a non-legal barrier to access to justice in some countries. Fear and intimidation were also mentioned as factors which could deter members of the public from seeking access to justice, notwithstanding the protection against such pressure afforded in principle by article 3, paragraph 8, of the Convention.

42. One delegation argued that in some situations, it could be important for a judge to have the possibility of awarding costs against a member of the public bringing a case before the court, to prevent an abuse of the right to bring such cases, as for example in cases where this is done not for environmental but commercial reasons. The study carried out by the Öko-Institut stated that there seemed to be a general test of qualification in many countries, making sure that only non-commercial groups were granted access to court procedures. However, it was emphasized that limiting the accessibility in order to hinder a few obstructive cases should not restrain the possibilities for NGOs in general.

43. In relation to questions 1 to 3, some delegations reported on the existence of institutions, with more or less independence from the government, which were given special responsibility to pursue environmental cases (environmental defenders offices, ombudsman). Appeals bodies with less formal procedures were considered useful as those using them did not need legal representation. The existence of such bodies reduced the number of cases going to court. It was noted that legal aid was available in some countries but not in all. Some delegations questioned the usefulness of legal aid as a factor in providing access to justice, arguing that it had in practice been little used in environmental cases in Europe. The 'loser pays' principle was seen by these delegations as a far bigger obstacle.

44. The Task Force discussed alternative modes of dispute resolution, such as mediation. Several mediation 'success stories', where the parties involved had been able to reach a solution acceptable to all while avoiding the costs that would have been associated with a more confrontational procedure, were presented. The Austrian delegation drew attention to its web site on environmental mediation, [www.partizipation.at](http://www.partizipation.at), which provided information on new methods of conflict prevention and resolution. Other participants expressed concern that mediation could sometimes be time-consuming and ineffective. A proposal was made by REC to collect and describe best practices of alternative modes of dispute resolution such as mediation, and include these in a possible update of the [Handbook on Access to Justice](#).

45. The possible link between access to justice in the context of environmental rights and access to justice in the context of social and human rights was mentioned by the Chairman and supported by some delegations. It was considered that the findings of a recent study undertaken by the Council of Europe on access to social rights might be relevant to the work of the Task

Force, and it was agreed to invite a representative of the Council of Europe to present the results of the study at the next meeting.

## **VII. ACCESS TO JUSTICE IN RELATION TO RELEVANT PROVISIONS OF THE CONVENTION OTHER THAN ITS ARTICLES 4 AND 6**

46. Several delegations described their practices for involving the public in the preparation of plans, programmes, policies and legally binding instruments, and some of these indicated that access to justice was provided in some of these decision-making processes along similar lines to that which was provided in relation to project-level decision-making in accordance with article 6 and article 9, paragraph 2. It was noted that any enforcement of articles 7 and 8 must take account of the differentiated levels of obligation applying to the different levels of decision-making.

47. The delegation of the United Kingdom reminded the Task Force of the declaration that it had made upon signature of the Convention and its view that article 1 contained only the procedural rights of access to environmental information, public participation and access to justice. On this basis, such access to justice was already available under article 1 through articles 4 and 6.

## **VIII. SCOPE AND FORMAT OF POSSIBLE PROPOSALS FOR RECOMMENDATIONS FOR SUBMISSION TO THE MEETING OF THE PARTIES**

48. The Chairman presented for discussion a draft of possible elements for inclusion in a draft decision of the Meeting of the Parties on the theme of promoting access to justice.

49. The Task Force briefly discussed the text and made a number of amendments. There was no objection to the notion that the Task Force would recommend to the Meeting of the Parties, through the Working Group of the Parties, that it should adopt a decision containing recommendations on the examination and dissemination of good practices and the sharing of experiences, and on information and training needs. There was no consensus on whether the proposed recommendations should cover the other areas addressed in the Chairman's draft, and these sections were therefore put in square brackets.

50. It was agreed to annex the revised text to the report of the meeting, as agreed during the discussion, and to use it as a basis for further consideration at the next meeting, without prejudice to any delegation's position on the specific language proposed.

## **IX. ORGANIZATION OF FUTURE WORK, INCLUDING FURTHER MEETINGS**

51. The Task Force decided that its third meeting would take place in Geneva on 4-6 October 2004.

## **X. ANY OTHER BUSINESS**

52. A representative from the Association of Environment Counsellors expressed the hope that Japan would accede to the Aarhus Convention and asked delegations for assistance to this end. The Chairman welcomed the interest in the Convention and underlined the fact that the Convention was open to accession by all Member States of the United Nations, while recognizing that this was a matter for national consideration.

## **XI. ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING**

53. The Task Force adopted the report of its meeting based on a draft and entrusted the Chairman and the secretariat with finalizing the text, on the understanding that the French- and Russian-speaking delegations would reserve their positions until the report was available in French and Russian as well.

54. The Chairman thanked all participants for their contributions to the discussions and expressed the hope that further progress would be made at the third meeting a year from now, during which time there would have been further developments in other forums. He then thanked the secretariat and the interpreters and closed the meeting.

Annex

**ELEMENTS THAT MIGHT BE CONSIDERED FOR INCLUSION IN A POSSIBLE  
DRAFT DECISION FOR SUBMISSION TO THE MEETING OF THE PARTIES**

**Chairman's draft for discussion (as revised by the Task Force)**

DECISION II/...

**PROMOTING EFFECTIVE ACCESS TO JUSTICE**

*The Meeting of the Parties.*

*Preambular elements*

Recalling the provisions of article 9 of the Convention,

Recalling its decision I/5 on promoting effective access to justice,

Taking note of the Johannesburg Principles on the Role of Law and Sustainable Development, adopted at the Global Judges Symposium held in South Africa prior to the World Summit on Sustainable Development, as well as of the outcomes of regional and subregional follow-up activities, in particular the London Bridge Statement, adopted at the Symposium on Environmental Law for European Judges, and the Lviv Statement, adopted at the First Symposium on Environmental Law for Judges of Central/Eastern Europe, the Caucasus and Central Asia,

Welcoming the work undertaken by the task force on access to justice established pursuant to decision I/5 and having considered its report and recommendations,

Bearing in mind that the task force was requested to continue the examination of good practices as well as, through paragraph 3 (b) of decision I/5, to identify possible further activities to support the implementation of article 9[, paragraphs 3, 4 and 5],

[...]

*Operative elements:*

Examination and dissemination of good practices and sharing of experience

1. Welcomes the publication of the Handbook on Access to Justice in English [and Russian], as a practical tool for facilitating the implementation of article 9 of the Convention;

2. Recommends that it should continue to be widely distributed, translated and published in other languages, within available resources, and updated as necessary from time to time;
3. Invites Parties, Signatories and other stakeholders in a position to do so to make resources available for this purpose;
4. Calls attention to the Implementation Guide on the Convention published by UNECE, in particular its chapter on article 9 of the Convention, and recommends that it should continue to be widely distributed;
5. Welcomes other initiatives taken by Parties, Signatories, international organizations, independent research institutes and other stakeholders to study good and not so good practices, examine practical means of promoting effective access to environmental justice and share their findings and experience on these matters through the task force and in other forums and encourages further activities to this end;
6. Requests the secretariat, within available resources, to make information on such activities and their results as widely accessible as possible through the Convention's web site and clearing-house mechanism;

[...]

Information and training needs of the public, civil servants, environmental lawyers, academia and the judiciary

7. Notes that there is a significant need for training in environmental law and access to justice for the judiciary, other legal professionals, civil servants, academia and the public, especially in countries in transition;
8. Stresses that such training should be tailored to meet the specific needs expressed by the judiciary, other legal professionals, such as, for example, prosecutors, enforcement officers and advocates, civil servants, academia and the public, and encourages initiatives to adequately assess those needs at the relevant national, subregional and regional levels, in consultation with their representative organizations and other stakeholders, while fully respecting the basic principle of judicial independence;
9. Recommends that training activities to promote the implementation of article 9 of the Convention should be fully integrated into the ongoing work of judicial training centres and academies[,][ and] specialized academic institutions[ and, except for the training of the judiciary,][, with appropriate support from] environmental law organizations, at the national and other relevant levels, taking due account of the specificities of national legal cultures and systems and of the need to combine training in both domestic and international environmental law, and to fully respect the basic principle of judicial independence;

10. Also recommends that the Aarhus Convention and its implementation should receive full attention in the context of all activities designed to implement the Johannesburg Principles in the UNECE region and that the secretariat should explore possibilities for cooperation with the United Nations Environmental Programme to this effect;

11. Invites the secretariat, in cooperation with Parties, Signatories, interested international, regional and national organizations, academic and other independent research institutes and relevant stakeholders, to develop information and [guidance][training][analytical] material in relation to the Convention in accordance with the specific needs identified, making full use of the information gathered in the context of the examination and dissemination of good practices, and to organize and coordinate, within the framework of the Convention's overall capacity-building programme and within available resources, appropriate training at the relevant national, subregional and regional levels;

12. Invites Parties, Signatories and other stakeholders in a position to do so to make resources available for this purpose;

[...]

#### Implementation of article 9, paragraph 3

##### [Standing

13. Notes that the Convention puts no obligation on Parties to establish criteria for standing and that, if no criteria are laid down in national law, it can be assumed that standing is open to all members of the public;

14. Also notes that, if a Party chooses to apply criteria, the Convention requires that these should be laid down in national law;]

[...]

##### Administrative and judicial procedures

15. [Notes that Parties may choose to apply administrative or judicial procedures or both and that, whatever procedures are applied, these should be fair and equitable and provide adequate and effective remedies in accordance with article 9, paragraph 4;

16. Also notes that, when administrative procedures are applied, the [ultimate] administrative review body should be independent of the public authority whose act or omission is being challenged or its decision should itself be subject to review by a judicial body;]

[...]

National law relating to the environment

17. [Notes that the notion of national law relating to the environment as referred to in article 9, paragraph 3, is broader than national legislative provisions specifically aimed at the protection of the environment and includes any provisions of national law, whether statutory or regulatory, whose enforcement has an effect on the state of the elements of the environment or on factors and activities or measures affecting or likely to affect these elements;]

[...]

Implementation of article 9, paragraphs 4 and 5, of the ConventionEffectiveness and timeliness of remedies

[...]

Impact of the cost of review procedures and the delay in access to justice on its effectiveness

[...]

Accessibility of decisions of courts and other review bodies

18. [Agrees that in complying with the requirements of article 9, paragraph 4, and applying article 5, paragraph 3 (d), and having regard to article 5, paragraph 7 (b), Parties should give special consideration to the public accessibility of decisions of courts and other review bodies. This would facilitate the application of their national laws implementing the Convention and more generally their national laws relating to the environment and Parties should, consequently, make every effort to ensure timely accessibility by electronic [and] [or] other means;]

[Access to justice in relation to relevant provisions of the Convention other than its articles 4 and 6]

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