Effective judicial review (scope of review, timeliness, injunctive relief, remedies, costs)

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Effective judicial review: A tension between efficiency and openness

Efficiency:
- Scope of judicial review,
- Duration of proceedings,
- Interim measures

Openness:
- Access to justice,
- Role of civil society,
- Collective actions

Low

High

Low

1

2

3

Low

High

Efficiency:
Scope of judicial review, Duration of proceedings, Interim measures

Openness:
Access to justice, Role of civil society, Collective actions
Aarhus Convention: efficiency and openness!

- **Article 9.4** – In addition and without prejudice to paragraph 1 above, the procedures referred to in paragraphs 1, 2 and 3 above shall provide adequate and effective remedies, including injunctive relief as appropriate, and be fair, equitable, timely and not prohibitively expensive. Decisions under this article shall be given or recorded in writing. Decisions of courts, and whenever possible of other bodies, shall be publicly accessible.
Aarhus compliance committee recommendations

- **Article 9 paragraph 4**: 33 recommendations (total of 61)
- **Costs, interim measures, timely**

See [www.lawdataworkshop.eu/ACCC](http://www.lawdataworkshop.eu/ACCC)
Evaluation of adequate and effective remedies?

- **Need to have an holistic approach:**
  - One parameter is not enough: length proceedings vs costs, costs vs standing etc

- **Focus on proceedings, however review on the merits is the goal!**

- **Difficult to develop ranking**
  - Benchmark?
Difficulties ...way forward?

- Demonstration of structural problems vs specific deficiencies (see for instance ECHR case-law on excessive length of proceedings)
- Need to collect statistics from Courts (see work of CEPEJ in Council of Europe) ... maybe a specific role for the Task-Force in collaboration with CEPEJ or European Commission DG Justice Scoreboard

The environmental access to justice scoreboard?