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

Task Force on Access to Justice
Eleventh meeting
Geneva, 27 and 28 February 2018
Item 1 of the provisional agenda
Opening and adoption of the agenda

Annotated provisional agenda for the eleventh meeting

To be held in Salle VIII, Palais des Nations, Geneva
starting at 3 p.m. on Tuesday, 27 February 2018

I. Provisional agenda

1. Opening and adoption of the agenda.
2. Thematic focus: Access to justice in cases on the right to environmental information.
3. Stocktaking of recent and upcoming developments.
4. Tools to promote effective access to justice.
6. Other business.
7. Closing.

II. Annotations

The Task Force on Access to Justice under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) was established by the Meeting of the Parties to the Convention at its second session (Almaty, Kazakhstan, 25-27 May 2005). The Task Force’s mandate was further extended in time by the Meeting of the Parties to the Convention through decision VI/3 on promoting effective access to justice, adopted at its sixth session (Budva, Montenegro, 11–14 September 2017). The work’s scope in this area was also outlined in the Strategic Plan 2015-2020 and the Work Programme 2018-2021 adopted through decisions V/5 and VI/5 respectively by the Meeting of the Parties at the fifth and sixth session.

The present meeting aims to provide a platform for exchanging information on key recent developments concerning legislation, policy and case law with regard to the implementation of the third pillar of the Convention and possible measures to remove barriers hampering its implementation and therefore contribute to implementing target 16.3 (Promote the rule of law at the national and international levels and ensure equal access to justice for all) and target 16.10 (Ensure public access to information and protect fundamental freedoms, in accordance with

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1 The document was not formally edited.
2 The text of decision is available from http://www.unece.org/env/pp/aarhus/mop6_docs.html
3 The texts of decisions are available from http://www.unece.org/env/pp/aarhus/mop6_docs.html
national legislation and international agreements) of the Sustainable Development Goal 16 and other relevant goals and targets.

The thematic session of the meeting will focus on promoting **effective access to justice in cases on the right to environmental information**. The Task Force will identify good practices, barriers, challenges, innovative approaches, priority actions and needs to further promote effective access to justice in such cases and also will discuss the possibility of launching a survey to collect in-depth information on the matter and present the results at the next Task Force meeting. In addition, delegates will discuss **new developments** related to the implementation of the third pillar of the Convention on a general level. Furthermore, the participants will examine **tools to promote effective access to justice**, including e-justice initiatives and capacity-building initiatives. The Task Force will also discuss the **prioritization of the work** during the inter-session period 2017-2021 in the light of decision VI/5.

The Task Force bases its work on the outputs delivered at the previous meetings. The background material for the meeting includes relevant information derived from 2017 national implementation reports and the 2017 synthesis report as well as the Implementation Guide, relevant Compliance Committee findings of a systemic nature, analytical studies and jurisprudence database.

Each session will feature brief introductory presentations on experiences of the Parties to the Convention and stakeholders related to the agenda items followed by contributors’ interventions and interactive discussion. Delegates who are interested to make a presentation or statement at the meeting on the key developments, emerging issues or issues of a systemic nature regarding the implementation of the third pillar of the Convention are invited to contact the secretariat (public.participation[at]unece.org) as soon as possible, by 6 February 2018, briefly outlining its focus in relation to the agenda items. The list of speakers will be released shortly before the meeting.

The meeting will be preceded by a special session for members of judiciary, judicial training institutions and other review bodies dedicated to effective judicial protection of the right to environmental information.

1. **Opening and adoption of the agenda**

   **Timing**: Tuesday, 27 February, 3–3.10 p.m.

   The Chair will open the meeting and invite the Task Force to adopt the agenda as set out in the present document.

2. **Thematic focus**

   **Access to justice in cases on the right to environmental information**

   **Timing**: Tuesday, 27 February, 3.10–6 p.m.

   The session will address the implementation of article 9, paragraph 1, in conjunction with article 9, paragraphs 4 and 5, article 4, paragraph 7 and other relevant provisions of the Convention.

   The session is expected to discuss: (a) selection of a forum for bringing cases, timeliness and efficiency of the review procedure in cases on the right to environmental information and their

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5 A draft questionnaire will be disseminated for comments two weeks before the meeting of the Task Force.
8 The Implementation Guide is available from http://www.unece.org/index.php?id=35869&L=0
9 Compliance Committee findings are available from http://www.unece.org/env/pp/cc.html
10 Analytical studies are available from http://www.unece.org/env/pp/tfaj/analytical_studies.html
11 The jurisprudence database is available from http://www.unece.org/env/pp/tfaj/jurisprudenceplatform.html
12 Coffee breaks might be held during the meeting if time permits.
13 All documents will be made available from http://www.unece.org/env/pp/aarhus/tfaj11#
monitoring. (b) rules of procedure that may include innovative approaches to standing, grounds and scope of review, evidence and expertise, special remedies, injunctive relief, and etc.; (c) costs, legal aid and other measures to reduce financial barriers; and (d) effective provision of information on access to review procedures in relation to cases on the right to environmental information.

Delegates are invited to identify good practices, barriers, challenges, innovative approaches, priority actions and needs to further promote effective access to justice in cases on the right to environmental information. The Task Force will also discuss the possibility of launching a survey to collect in-depth information on the matter and present the results at the next Task Force meeting.

3. **Stocktaking of recent and upcoming developments**

   *Timing: Wednesday, 28 February, 10 a.m. – 1 p.m. and 3–4 p.m.*

   The session is expected to discuss recent developments regarding the implementation of the third pillar of the Convention, in particular related to (a) standing and non-discrimination in the context of access to justice; (b) scope of review; and (c) adequate and effective remedies.

4. **Tools to promote effective access to justice**

   *Timing: Wednesday, 28 February, 4–5.30 p.m.*

   The session is expected to discuss issues related to: (a) promoting e-justice initiatives and other practical measures to ensure effective review procedure; (b) monitoring and evaluating the effectiveness of review procedures; and (c) promoting capacity-building, raising awareness and cooperation. Delegates are invited to identify good practices and initiatives, priority actions and needs to further promote effective access to justice.

5. **Prioritization of the work for the inter-sessional period 2018-2021**

   *Timing: Wednesday, 28 February, 5.30–5.45 p.m.*

   According to decision VI/5 on the Work programme for 2018-2021, the Task Force on Access to Justice will have two more meetings during the inter-sessional period (in 2019 and in 2021) and will contribute to the preparation of the thematic session at the meeting of the Working Group of the Parties in 2020. According to decision VI/3, the mandate of the Task Force is to promote the exchange of information, experiences, challenges and good practices relating to the implementation of the third pillar of the Convention, with a focus on the main barriers to effective access to justice and with special attention to: information cases; acts or omissions that contravene permit requirements or laws relating to the environment; financial barriers; the protection of whistle-blowers, environmental activists and other persons exercising their rights in conformity with the provisions of the Convention; standing; and scope of review in environmental cases. The Chair will invite participants to consider the prioritization of the work for the inter-sessional period in light of the Task Force mandate.

6. **Other business**

   *Timing: Wednesday, 28 February, 5.45–5.50 p.m.*

   Delegates wishing to propose other issues under this item are requested to inform the secretariat as soon as possible.

7. **Closing**

   *Timing: Wednesday, 28 February, 5.50–6 p.m.*

   The Chair will summarise the key outcomes of the meeting and close it.