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КОМИССИЯECONOMIC 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

Eighth meeting

Geneva, 15-17 June 2015

Item 6 of the provisional agenda

Closing

Key outcomes¹

as agreed by the Task Force on Access to Justice at its eighth meeting

Item 1. Opening and adoption of the agenda

1. The Task Force adopted the agenda as set out in the document AC/TF.AJ-8/Inf.1.

Item 2. Measuring access to justice

2. The Task Force:

(a) Took note of the information regarding the development of indicators for sustainable development goals and targets related to access to justice to be adopted in September 2015 and the Aarhus Convention Index;

¹ This document was not formally edited.

(b) Took note that the information on access to justice in environmental matters in future national implementation reports could contribute to the reporting by Parties on the national implementation of the relevant sustainable development goals and targets;

(c) Recognized the importance of accurate and comparable statistics on the practical implementation of article 9 of the Convention for monitoring the effectiveness of access to justice;

(d) Encouraged Parties to take further steps in collecting statistics on the practical implementation of article 9 of the Convention and provide the collected data in the next national implementation reports (question XXX).

Item 3. Substantive issues

(a) The scope of review

3. The Task Force:

(a) Took note of new developments in legislation and practice with regard to the scope of review as highlighted by presenters and speakers and decides to consider this matter further;

(b) Welcomed the initiative of Germany in preparing the comparative study on the scope of review in the selected countries of the European Union and invited to present the key outcomes to the Task Force at its next meeting;

(c) Recognized the need to proceed with a comprehensive analytical study on the issue of the scope of review in the selected countries of South-Eastern and Eastern Europe, the Caucasus and Central Asia, following the methodology of the study being carried out in the EU, so as to allow for comparative analysis;

(d) Mandated the secretariat to proceed with the administrative arrangements and the Chair to oversee the substantive preparations for the study and to report on its key outcomes to the Task Force at its next meeting in 2016.

(b) Mitigating costs

4. The Task Force:

- (a) Took note of the experiences, including existing good practices and challenges, in removing financial barriers in access to justice as shared by presenters and speakers;
- (b) Noticed that the possibilities for non-governmental organizations and members of the public to promote environmental protection continues to be constrained in a number of jurisdictions due to financial barriers to access to justice;
- (c) Encouraged Parties to continue their efforts as appropriate to mitigate costs in environmental cases and to facilitate national dialogue to address the remaining challenges.

(c) Adequate and effective remedies

5. The Task Force:

- (a) Welcomed the progress in carrying out the study on the possibility for non-governmental organizations promoting environmental protection to claim damages on behalf of the environment in France, Italy, Portugal and the Netherlands and invited national focal points and stakeholders to provide their comments to the secretariat on the draft outline and preliminary findings of the study by 15 July 2015;
- (b) Took note of the experiences, including good practices and challenges, shared by the presenters and speakers with regard to remedies applied in cases within the scope of article 9 of the Convention;
- (c) Pointed out that the highlighted challenges may impact effective implementation of the third pillar of the Convention in the Parties concerned;
- (d) Noted that this issue would need further consideration by the Task Force;
- (e) Reiterated the pivotal role that courts play in interpreting provisions of domestic law on access to justice and the importance that such provisions be interpreted in accordance with the Aarhus Convention.

Item 4. Means to share experience and develop capacities

(a) National dialogues in removing barriers to access to justice

6. The Task Force:

(a) Welcomed the engagement of Serbia, Belarus and the Aarhus Centre of Turkmenistan in national multi-stakeholder dialogues and the engagement of partner organizations in supporting these dialogues;

(b) Welcomed the capacity-building initiatives taking place at the subregional and national levels, as presented by the speakers.

(b) Sharing jurisprudence and promoting judicial networking

7. The Task Force:

(a) Recognized the need for strengthening networking of judiciary and judicial institutions across the Pan-European region in order to facilitate the exchange of good practices and challenges in access to justice in environmental matters thereby promoting the implementation of the third pillar of the Convention;

(b) Welcomed the initiative of establishing a network of judiciary, judicial institutions and other review bodies under the auspices of the Task Force which is expected to facilitate cooperation with other networks;

(c) Encouraged other networks of judiciary, judicial institutions and other review bodies to participate in this process and invited partner organizations to support this initiative;

(d) Encouraged cooperation with the networks of legal professionals within the Task Force;

(e) Requested the Chair, with the assistance of the secretariat, to follow up on this matter and report on the progress to the Task Force at its next meeting in 2016;

(f) Welcomed the information regarding the jurisprudence databases and encouraged further population of these databases and their linkages.

Item 5. Approval of the key outcomes of the meeting

8. The Task Force:

- (a) Thanked the speakers for their presentations and statements;
- (b) Agreed on the outcomes presented by the Chair at the meeting, as contained in the present document, and requested the secretariat, in consultation with the Chair, to finalize the meeting report and incorporate these outcomes.