

To: **The Plenary of the Access to Justice Task Force Meeting of the Aarhus Convention on 14 June 2016,
Geneva, Switzerland**

Thank you, Mr. Chairman!

Distinguished delegates and participants!

Access to justice is the third and equally important pillar of the Aarhus system as compared with access to information and participation in decision-making. Access to justice guarantees that the other two pillars' shortcomings are remedied through involving the evaluation by courts or other independent and impartial bodies. It also guarantees that actions or omissions contravening environmental law are properly adjudicated.

It is all the more sad that the lack of an EU-wide directive on ATOJ is causing uneven implementation across the Union. More or less everybody knows that an obvious and logical solution to this problem would be the enacting of an EU Directive on ATOJ. Consequently, any other solution can only result in less clear a situation and will be causing more trouble as well, including the use of soft law instruments.

Growing case law of the CJEU is welcome but cannot substitute for a general binding legislation. While the EU frequently refers to this case law, the obvious supremacy of effectiveness of a binding directive can be questioned by none.

NGOs support the Commission in its efforts to promote access to environmental justice. NGOs understand that legislation in the EU may not go against the Member State's willingness. Therefore NGOs call upon EU MS to recognize the interest in having an EU ATOJ Directive and make efforts to make its adoption a reality.

However, we as a network of environmental legal NGOs initiated a Compliance Committee procedure (ACCC/C/2014/123) in relation to the European Union in order to improve access to justice in the European Union.

Nevertheless, NGOs are also ready to support the Commission in its legislative efforts and while the case is still ongoing, in the meantime, NGOs including J&E are ready to participate in the preparation of any substitute instrument that is in the pipeline, in order to enhance access to justice in the EU.

Thank you very much for your attention!