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

Seventh meeting
Geneva, 24 and 25 February 2014
Item 6 of the provisional agenda
Approval of the key outcomes of the meeting

Key outcomes as agreed by the Task Force on Access to Justice at its seventh meeting

Item 1. Opening and adoption of the agenda

1. The Task Force adopted the agenda as set out in document AC/TF.AJ-7/Inf.1.

Item 2. Substantive issues: Effective standing, remedies and costs

2. Following the discussion on the study on standing for individuals, groups and environmental non-governmental organizations (NGOs) before courts in cases in environmental matters in countries of Eastern Europe, the Caucasus and Central Asia, the Task Force:

(a) Welcomed the preliminary findings of the study and requested any comments to be submitted to the secretariat by 10 March 2014;

(b) Requested the secretariat in consultation with the Chair of the Task Force to finalize the study before the fifth session of the Meeting of the Parties (Maastricht, the Netherlands, 30 June – 2 July 2014);

(c) Encouraged national focal points to translate the study in the national languages, to inform judiciary, judicial training institutions, prosecutors, public interest lawyers and other professionals about this study and to use the findings and conclusions of the study to facilitate the national dialogues on access to justice matters.

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1 This document was not formally edited.
3. Following the discussion on the study on access to justice in South-Eastern Europe, the Task Force:

(a) Welcomed the progress in the preparation of the study on access to justice in South-Eastern Europe;

(b) Took note that the advance version of the study would be made available before the fifth session of the Meeting of the Parties (Maastricht, the Netherlands, 30 June – 2 July 2014);

(c) Expressed its appreciation to the national focal points and national experts from Albania, Bosnia and Herzegovina, Montenegro, the former Yugoslav Republic of Macedonia and Serbia as well as to the experts from Croatia and Kosovo (under UN Security Council Resolution 1244/99), Regional Environmental Centre for Central and Eastern Europe and Organization for Security and Co-operation in Europe for their cooperation in carrying out the study and the consultation process on the national studies prepared within its framework.

4. Following the discussion on legal aid and support of public interest lawyers, the Task Force:

(a) Took note of the experiences, including existing good practices and challenges, with regard to the legal aids schemes and support of public interest lawyers shared by Denmark, Norway, Spain, the United Kingdom as well as the European ECO Forum and the Justice and Environment Network;

(b) Noted that the criteria for eligibility of NGOs to apply for legal aid in environmental cases would need further consideration by the Task Force;

(c) Encouraged Parties, Signatories and other interested States to post information on legal aid schemes that could be applied for by individuals and NGOs in environmental cases on the national nodes for the Aarhus Convention that could be linked to the Aarhus Clearinghouse and to provide the secretariat with the relevant information.

5. Following the discussion on new developments in law and practice regarding standing, remedies and costs, the Task Force:

(a) Took note of new developments in legislation and practice with regard to standing, remedies and costs in the European Union, the United Kingdom and Sweden;

(b) Noted that this issue would need further consideration by the Task Force;

(c) Emphasized that the lack of case law related to the Aarhus Convention and the lack of access to court decisions remained a shortcoming in some countries;

(d) Recognized the need for strengthening support of NGOs and public interest lawyers in order to develop more case law;

(e) Highlighted that developing legislation related to access to justice in environmental matters should take on a more coherent approach between laws relating to the environment, administrative, civil and economic procedure and NGOs;

(f) Reiterated the important role of courts in interpreting provisions on access to justice under national law in light of the Aarhus Convention.

Item 3. Sharing experiences and building capacity

6. The Task Force:

(a) Welcomed the engagement of Kazakhstan as well as of Albania, Bosnia and Herzegovina, Kosovo (under UN Security Council Resolution 1244/99), Montenegro,
the former Yugoslav Republic of Macedonia and Serbia in national multi-stakeholder dialogues on access to justice matters and the support of partner organizations provided for these dialogues;

(b) Welcomed the capacity-building initiatives taken place at the regional, subregional and national levels, as presented by the European Commission, Armenia, the Regional Environmental Center for Central and Eastern Europe, the Association for Environmental Justice, and the Swedish Society for Nature Conservation;

(c) Took note of the information on tools that could be used to provide the public with information on access to administrative and judicial review procedures, as presented by Latvia, Romania, the European Commission and the Environmental Management and Law Association;

(d) Thanked national focal points and experts from Belgium, Belarus, Hungary, Latvia, the former Yugoslav Republic of Macedonia, Spain and Sweden for submitting cases to the jurisprudence database;

(e) Reiterated its concern that in some jurisdictions decisions of judicial and administrative review bodies still have not become publicly available;

(f) Noted that the availability of information on access to justice through the Internet, statistics related to judicial and administrative review as well as information on the relevant e-justice initiatives would need further consideration by the Task Force.

**Item 4. The way forward**

7. The Task Force:

(a) Took note of the draft decision on promoting effective access to justice (ECE/MP.PP/WG.1/2014/L.3);

(b) Welcomed the proposal to extend the mandate of the Task Force in time;

(c) Expressed its appreciation to Sweden for its offer to continue to lead the work of the Task Force.

**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 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.