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

Ninth meeting
Geneva, 14 and 15 June 2016

Item 1 of the provisional agenda

Opening and adoption of the agenda

Annotated provisional agenda for the ninth meeting
To be held in Salle VII, Palais des Nations, Geneva starting at 10 a.m. on Tuesday, 14 June 2016

I. Provisional agenda

1. Opening and adoption of the agenda.
2. Promoting effective access to justice: recent developments.
3. Thematic focus: scope of review.
4. The way forward.
5. Other business.
6. Closing.

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1 The document was not formally edited.
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, and the mandate laid down, by the Meeting of the Parties to the Convention at its second session (Almaty, Kazakhstan, 25-27 May 2005). It was further extended by the Meeting of the Parties to the Convention through decision V/3 adopted at its fifth session (Maastricht, the Netherlands, 30 June and 1 July 2014)\(^2\). The work’s scope was also outlined in the Strategic Plan 2015-2020 and the Work Programme 2015-2017 adopted through decisions V/5 and V/6 respectively by the Meeting of the Parties at the same session\(^3\).

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. The thematic session of the meeting will focus on the scope of review. In particular, delegates will discuss what decisions, acts or omissions could be the subject of administrative appeal and judicial review in accordance with article 9 of the Convention, what could be the grounds for their review and to what extent both procedural and substantive issues may be reviewed. Furthermore, the participants also will discuss emerging or systemic issues that could receive priority for the future work of the Task Force.

The meeting will be preceded by a special session for members of judiciary, judicial training institutions and other review bodies dedicated to effective judicial review of public authorities’ decisions relating to the environment.

The Task Force on Access to Justice continues its work based on the outputs delivered at the previous meetings. The background material for the meeting includes relevant information derived from 2014 national implementation reports\(^4\) and the synthesis report\(^5\) as well as the Implementation Guide\(^6\), relevant Compliance Committee findings\(^7\) of a systemic nature, analytical studies\(^8\) and jurisprudence database\(^9\).

Each session will feature brief introductory presentation(s) sharing experiences of the Parties to the Convention and stakeholders related to the agenda (sub)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 kindly invited to contact the secretariat (public.participation[at]unece.org) as soon as possible, preferably by 30 May 2016, briefly outlining its focus in relation to the agenda (sub)items. The list of speakers will be released shortly before the meeting.

1. Opening and adoption of the agenda

\(^{10}\) Timing\(^{10}\) Tuesday, 14 June, 10–10.10 a.m.

The Task Force will be invited to adopt the agenda as set out in the present document.\(^11\)

\(^2\) The text of decision is available from http://www.unece.org/env/pp/aarhus/mop5_docs.html
\(^3\) The texts of decisions are available from http://www.unece.org/env/pp/aarhus/mop5_docs.html
\(^5\) The synthesis report (ECE/MP.PP/2014/6) is available from http://www.unece.org/env/pp/aarhus/mop5_docs.html#/ (Category II document)
\(^6\) The Implementation Guide is available from http://www.unece.org/index.php?id=35869&L=0
\(^7\) Compliance Committee findings are available from http://www.unece.org/env/pp/cc.html
\(^8\) Analytical studies are available from http://www.unece.org/env/pp/tfaj/analytical_studies.html
\(^9\) The jurisprudence database is available from http://www.unece.org/env/pp/tfaj/jurisprudenceplatform.html
\(^10\) Coffee breaks might be held during the meeting if time permits.
\(^11\) All documents will be made available from http://www.unece.org/env/pp/aarhus/tfaj9#/
2. **Promoting effective access to justice: recent developments**

   (a) Update on legislative, policy and case-law developments

   *Timing: Tuesday, 14 June, 10.10 a.m. –12.30 p.m.*

   Delegates are invited to share information on important developments concerning legislation, policy and case law, which have taken place since the eight meeting of the Task Force with regard to the implementation of the third pillar of the Convention.

   (b) Update on capacity-building initiatives

   *Timing: Tuesday, 14 June, 12.30 –1 p.m. and 3 – 3.30 p.m.*

   Through decision V/3, Governments were encouraged to undertake capacity-building initiatives, as appropriate, aimed at promoting more effective implementation of article 9 of the Convention. Delegates are invited to share lessons learned from capacity-building initiatives and identify further needs in this area. Partner organizations are invited to inform about their activities supporting these initiatives.

3. **Thematic focus: scope of review**

   *Timing: Tuesday, 14 June, 3.30–6 p.m. and Wednesday, 15 June, 10–11 a.m.*

   Delegates are invited to discuss what decisions, acts or omissions could be the subject of administrative appeal and judicial review in accordance with article 9 of the Convention, what could be the grounds for their review and to what extent both procedural and substantive legality may be reviewed.

4. **The way forward**

   *Timing: Wednesday, 15 June, 11 a.m.–12.40 p.m.*

   Delegates are invited to highlight any emerging issues or issues of a systemic nature regarding effective access to justice that could be addressed by the Task Force in the next intersessional period as well as modalities of work to address this issue.

5. **Other business**

   *Timing: Wednesday, 15 June, 12.40–12.45 p.m.*

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

6. **Closing**

   *Timing: Wednesday, 15 June, 12.45–1 p.m.*

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