

Aarhus Convention:
23rd Working Group of the Parties (WGP23)
(Geneva, 26-28 June 2019)
Contribution by the EU and its Member States

Agenda item 3(c): Access to justice

The EU and its Member States would like to thank the Secretariat and the Chair of the Task Force on Access to Justice for its work to date.

We take note of the outcomes of the twelfth meeting of the Task Force on Access to Justice (Geneva, 28 February –1 March 2019), following up on the subjects identified in Decision VI/3 of the Meeting of the Parties on promoting effective access to justice.

We welcome the thematic session of the task force meeting which focused on challenging acts and omissions that contravene permit requirements or laws relating to the environment with special attention to cases regarding air quality. The discussions supported the implementation of article 9 in conjunction with 6, 7 and other relevant provisions of the Convention.

We acknowledge the importance of facilitating effective access to justice in cases related to air quality for the successful implementation of Sustainable Development Goals 3 (health), 11 (cities), 12 (sustainable consumption and production) and Sustainable Development Goal 16 with its target 16.3 (rule of law and access to justice).

The EU and its Member States take note of the outcomes of the Judicial Colloquium “SDG16: Role of Judiciary in Promoting the Rule of Law in Environmental Matters” (Geneva, 27-28 February 2019).

We welcome the importance of strengthening the capacity of the judiciary to effectively handle cases related to environmental matters and to apply constitutionally-entrenched environmental rights, thereby supporting the attainment of target 16.3 of Sustainable Development Goal 16.

We note the importance of the linkages between the Aarhus Convention and other UNECE Multilateral Environmental Agreements (Espoo Convention and the SEA Protocol, Water Convention and the Protocol on Water and Health, Air Convention and Industrial Accidents Convention) in enforcing environmental law in the context of environmental constitutionalism and sustainable development.

The EU and its Member States take this opportunity to emphasize their full commitment taken in Budva at the sixth session of the Meeting of the Parties, towards the implementation of the principles and objectives of the Aarhus Convention.

Important steps have been taken by the EU with regard to its compliance issues highlighted in case ACCC/C/2008/32, concerning access to justice in environmental matters.

An external study requested by the Council of the European Union by Decision 2018/881 was launched in September 2018, with the aim to explore ways and means to comply with the Aarhus Convention in a way that is compatible with the fundamental principles of the Union legal order and with its system of judicial review.

The study shall garner facts and figures allowing an assessment of the possible shortcomings and options and of the impacts, which can be expected under each of them, including the amendment of the Regulation (EC) No 1367/2006.

We are fully confident that the study, which will be submitted to the Council by 30 September 2019, will represent an important milestone and will enable the Commission to make the best proposal to address the findings and recommendations of the Compliance Committee in case ACCC/C/2008/32.