

To

**Aarhus Convention Secretariat**

c/o Fiona Marshall  
Palais des Nations  
8-14 avenue de la Paix  
1211 Geneva 10, Switzerland

16 July 2021

**Request ACCC/M/2017/3 by the Meeting of the Parties concerning compliance by the European Union with its obligations under the Aarhus Convention – comments on the Committee’s draft report**

Dear Ms Marshall,

Justice and Environment (J&E) highly appreciate the opportunity to comment on the Committee’s draft report regarding request ACCC/M/2017/3 by the Meeting of the Parties concerning compliance by the European Union with its obligations under the Aarhus Convention.

We agree with the Committee’s deliberations in the draft report especially with regard to the NECP process. We regret that, following a 2020 J&E survey,<sup>1</sup> due to these shortcomings, results of the public consultations were poorly reflected in most NECPs. They usually describe only the manner of involvement, but not the outcome of the public consultations.

According to our research:

- None of the countries managed to organise the public consultation process at an early phase.
- Within the limited and rather late consultation process the countries reported the consultation was open for all stakeholders. However, it was not very proactive but rather formal.
- In several cases the shared draft was incomplete and/or missing entire chapters.

---

<sup>1</sup> Available at [http://www.justiceandenvironment.org/fileadmin/user\\_upload/Publications/2021/BR\\_4\\_5\\_1\\_JE\\_recommendations\\_NECP\\_process\\_Feb2021\\_website\\_fin.pdf](http://www.justiceandenvironment.org/fileadmin/user_upload/Publications/2021/BR_4_5_1_JE_recommendations_NECP_process_Feb2021_website_fin.pdf)

- Mostly big, national environmental NGOs submitted proposals (e.g., national umbrella organisations or offices of WWF or FoE), but the results of the public consultations (especially with NGOs) are poorly or mostly not at all reflected in the NECPs.
- Only in Slovenia and Spain, the NECP has undergone a Strategic Environmental Assessment (SEA). In Bulgaria and Hungary, the SEA procedure is still ongoing.

Broad practical issues regarding public participation in environmental planning remain, which has also been demonstrated by recent legal analysis by J&E member IIDMA, "Environmental Rule of Law and National Recovery and Resilience Plans: Transparency and Public Participation"<sup>2</sup>. We thus hope that the European Union will take the Committee's considerations into account to comply with the Convention's requirements in future planning procedures, such as the revision of the NECPs.

Justice and Environment would like to thank the Committee Members and the Aarhus Convention Secretariat for their extensive work throughout the entire intersessional period as well as their in-depth considerations of all information received.

Yours thoroughly,



Zeljka Leljak Gracin  
Chairwoman of Justice and Environment

---

<sup>2</sup> Available at <http://iidma.org/index.php/en/the-national-recovery-and-resilience-plans-must-respect-rule-of-law/>