

Economic Commission for Europe

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

Fifteenth meeting

Geneva, 4-5 April 2023

Item 1 of the provisional agenda

Opening and adoption of the agenda

Annotated provisional agenda for the fifteenth meeting¹

To be held in Salle XVIII, Palais des Nations, Geneva
starting at 3 p.m. on Tuesday, 4 April 2023

I. Provisional agenda

1. Opening and adoption of the agenda.
2. Thematic focus:
 - (a) Access to justice in cases related to climate change;
 - (b) Access to justice in cases related to biodiversity protection.
3. Access to justice in energy-related cases.
4. Stocktaking of recent and upcoming developments.
5. Tools to promote effective access to justice.
6. Other business.
7. Closing.

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 by the Meeting of the Parties to the Convention at its second session (Almaty, Kazakhstan, 25-27 May 2005). The Task Force's mandate was further extended in time by the Meeting of the Parties to the Convention through decision VII/3 on promoting effective access to justice, adopted at its seventh session (Geneva, 18–21 October 2017)². This work area is also addressed in the Strategic Plan 2022-2030 and the Work Programme 2022-2025 adopted through decisions VII/11 and VII/5 respectively by the Meeting of the Parties at the seventh session³.

The Task Force aims to provide a platform for exchanging information, good practices and challenges with regard to key recent developments in the implementation of access to justice pillar of the Convention and possible measures to remove barriers hampering its implementation. It thereby supports the implementation of environmental dimension of Sustainable Development Goals, in particular Sustainable Development Goal 16 and its target 16.3 (Promote the rule of law at the national and international levels and ensure equal access to justice for all)⁴.

The thematic sessions of the present meeting will focus on **access to justice in cases related to climate change and biodiversity protection**. The Task Force will identify current trends, good practices, barriers, challenges, and innovative approaches in these areas. Furthermore, the delegates will continue discussion on access to justice in energy-related cases; take stock of measures removing barriers related to costs, access to assistance mechanisms and timeliness of the review procedures; and learn about relevant upcoming developments. The Task Force also will consider tools to promote effective access to justice such as (a) access to independent environmental expertise; (b) dissemination of information on access to review procedures, collection of relevant data and statistics and access to relevant case law using e-justice initiatives, modern digital technologies and other tools; and (c) multi-stakeholder dialogues to remove existing barriers.

The Task Force work is based on the outputs delivered at the previous meetings⁵. The background material for the meeting includes relevant information derived from the synthesis and national implementation reports⁶, survey on measures to enable effective access to justice in environmental matters and analytical studies⁷, the Convention-related case law database⁸, the Implementation Guide⁹, relevant Aarhus Clearinghouse resources¹⁰, Compliance Committee reports¹¹, and other material.

Each session will feature brief introductory presentations on experiences of the Parties to the Convention and stakeholders related to the agenda items followed by contributors' interventions and interactive discussion. Delegates who are interested to make a presentation or statement at the meeting for particular agenda items are invited to contact the secretariat ([public.participation\[at\]un.org](mailto:public.participation[at]un.org)) as soon as possible, by **6 March 2023**, briefly outlining its focus in relation to the agenda items. The list of speakers will be released shortly before the meeting.

² See <https://unece.org/environment/documents/2022/02/aj-decision-excerpts-vii3>

³ See <https://unece.org/environment-policy/public-participation/strategic-plan-2022-2030> and <https://unece.org/environment-policy/public-participation/work-programme-2022-2025>

⁴ See United Nations General Assembly Resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development. More information is available at <https://sustainabledevelopment.un.org/sdgs>

⁵ See <https://unece.org/env/pp/tfaj-meetings>

⁶ See <https://aarhusclearinghouse.unece.org/national-reports/reports>

⁷ See <https://unece.org/environment-policy/public-participation/aarhus-convention/analytical-studies-on-access-to-justice> .

⁸ See <https://unece.org/environment-policy/public-participation/tfaj/case-law-related-convention> .

⁹ See <https://unece.org/environment-policy/publications/aarhus-convention-implementation-guide-second-edition> .

¹⁰ See

https://aarhusclearinghouse.unece.org/resources?combine=&field_resource_types_value=All&field_resource_topics_value=All&field_resource_sources_value=All&field_resource_geography_value=All&field_sector_value=All&field_resources_pillar_value%5B%5D=1001010&sort_by=field_release_date_value&sort_order=DESC .

¹¹ See <https://unece.org/environment-policy/public-participation/aarhus-convention/compliance-committee> .

1. Opening and adoption of the agenda

Timing: Tuesday, 4 April, 3–3.10 p.m.

The Chair will open the meeting and invite the Task Force to adopt the agenda as set out in the present document.¹²

2. Thematic focus:

(a) Access to justice in cases related to climate change

Timing: Tuesday, 4 April, 3.10–5 p.m.

The session will focus on promoting access to justice to challenge decisions, acts and omissions that contravene permit requirements or laws relating to the environment to ensure climate action (SDG 13).

Delegates will be invited to share good practices, innovative approaches and challenges encountered in the above cases with regard to the following key issues: (a) decisions, acts and omissions that can be reviewed; (b) selection of forum, standing and assistance to bring a case; (c) proceedings, in particular scope of review, evidence and expertise, burden of proof, costs and etc.; and (d) available remedies, including injunctive relief, and their enforcement.

(b) Access to justice in cases related to biodiversity protection

Timing: Tuesday, 4 April, 5–6 p.m. and Wednesday, 5 April, 10–11 a.m.

The session will focus on promoting access to justice to challenge decisions, acts and omissions that contravene permit requirements or laws relevant for biodiversity protection (SDGs 14 and 15).

Delegates will be invited to share good practices, innovative approaches and challenges encountered in the above cases with regard to: (a) decisions, acts and omissions that can be reviewed; (b) selection of forum, standing and assistance to bring a case; (c) proceedings, in particular scope, evidence and expertise, burden of proof, costs and etc.; and (d) available remedies, including injunctive relief, and their enforcement.

3. Access to justice in energy-related cases

Timing: Wednesday, 5 April, 11 a.m.–12 p.m.

Following up on the outcomes of the previous meeting of the Task Force¹³, the session will focus on promoting access to justice to challenge decisions, acts and omissions that contravene permit requirements or laws relating to the environment with regard to energy-related projects, plans and policies.

Delegates will continue sharing good practices, innovative approaches and challenges encountered in the above cases with regard to: (a) decisions, acts and omissions that can be reviewed; (b) selection of forum, standing and assistance to bring a case; (c) proceedings, in particular scope, evidence and expertise, burden of proof, costs and etc.; and (d) available remedies, including injunctive relief, and their enforcement. Delegates also will discuss the scope and methodology of a regular analysis of energy-related cases by countries to address existing challenges and improve procedures for public participation in decision-making and access to justice in the area.

¹² All documents will be made available at <https://unece.org/environmental-policy/events/fifteenth-meeting-task-force-access-justice-under-aarhus-convention>.

¹³ See <https://unece.org/environmental-policy/events/fourteenth-meeting-task-force-access-justice-under-aarhus-convention>.

4. Stocktaking of recent and upcoming developments

Timing: Wednesday, 5 April, 12 p.m.–1 p.m. and 3–3.30 p.m.

The session will focus on recent and upcoming developments regarding the implementation of the third pillar of the Convention.

Delegates will be invited to discuss the outcomes of the survey on measures to enable effective access to justice in environmental matters and share additional experiences, challenges and good practices with regard to (a) costs; (b) access to assistance mechanisms; and (c) timeliness of the review procedures. The discussion also will take account of upcoming developments and contribute to the preparations of the thematic session of the twenty-eighth meeting of the Working Group of the Parties planned for 2024.

5. Tools to promote effective access to justice

Timing: Wednesday, 5 April, 3.30 p.m. – 5.45 p.m.

The session will focus on progress in implementing tools to promote effective access to justice.

Delegates will be invited to share experiences, challenges and good practices and identify further needs related to (a) access to independent environmental expertise; (b) dissemination of information on access to review procedures, collection of relevant data and statistics and access to relevant case law using e-justice initiatives, modern digital technologies and other tools; and (c) multi-stakeholder dialogues to remove existing barriers.

6. Other business

Timing: Wednesday, 5 April, 5.45–5.50 p.m.

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

7. Closing

Timing: Wednesday, 5 April, 5.50–6 p.m.

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