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News | 18.07.2017

Commission's embarrassing reaction on access to justice on environmental matters

Aarhus Convention

This is the first time that the European Union is evaluated by the UN Aarhus Compliance Committee. Shockingly, it is also the first time that the [Commission proposes to vote against the findings](#) and recommendations made by the Committee to ensure the proper implementation of the world's first international environmental treaty, also known as the "Aarhus Convention".

In order to ensure that the countries that signed it are sticking to their commitment, a "Compliance Committee" was set up, which is charged with reviewing cases of bad implementation of the Convention, and formulating recommendations for improvement.

This is because, after examining the EU's practices and policies, [the Aarhus Compliance Committee has identified some serious shortcomings at the EU level](#): **The Committee has found that the EU is failing to ensure that citizens and NGOs have access to the courts** - or to administrative review procedures - in order to defend the environment against bad decision-making.

The reason that no citizen or NGO has yet been able to properly challenge an environmental decision is due to an overly narrow interpretation given by the EU institutions and the Courts, which have argued that citizens can only appeal to the court if decisions by the EU institutions are of "direct and individual concern to them". They argue that the environment is not of "direct and individual concern" to those that have tried to access the courts so far.

The Committee has proposed some recommendations to the EU on how to improve its systems, and normally these recommendations are then approved by all parties to the Aarhus Convention. Usually, this happens without too much trouble, but **this time the Commission wanted to vote against the findings of the Committee, thus sending the worst possible signal exactly at a time where the world is looking to the EU for climate leadership.**

Luckily, the mobilisation by various dedicated NGOs like ClientEarth and the European Environmental Bureau, who wrote an open letter Environment Ministers of EU Member States calling on them to act to get the European Commission back in line, seems to have worked! Also, the European Parliament's environment committee sent a letter to the Commission calling for the Aarhus Convention to be respected

(the letter was signed by all political groups except EPP and the far right.)

Today, the Ministers of the Member States have rejected the Commission's proposal to vote against the findings of the Aarhus Compliance Committee, though it remains to be seen exactly what will happen between now and the official meeting of the Parties to the Aarhus Convention, which will take place in Montenegro from 11 - 14 September.

We will continue to fight to defend the environment and the rights of access to information, participation in decision-making and access to justice: just watch this space!

Background

What is the Aarhus Convention?

For those of you who haven't heard about it, the "Aarhus Convention" gives citizens the right to access information, to participate in decision-making and to seek access to justice when it comes to environmental matters. It currently applies to 47 signatories, including all the EU Member States plus the European Union itself.

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Contact person



Pam Bartlett Quintanilla

Team leader - Outreach and campaigns

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