

Hundreds of lawyers urge the EU to stop violating international law on access to justice in environmental matters

Brussels-based civic startup The Good Lobby has mobilized hundreds of lawyers, law professors, and other representatives of the legal community—including Council of Bars and Law Societies of Europe, the voice of more than 1 million lawyers in Europe—to jointly call on the European Union to stop violating international rules on access to justice in environmental matters.

In a letter sent today, the European Parliament, the Council of the EU, and the European Commission were urged to amend EU access to justice law and comply with international law.

For over a decade the EU has been breaching the “Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters” (the “Aarhus Convention”) by not providing sufficient means to the members of the public to challenge environmental wrongdoings before EU courts.

In fact, as found by the body responsible for overseeing compliance to the Convention (Aarhus Convention Compliance Committee—ACCC), the EU has breached Article 9(3) of the Convention by not allowing NGOs and members of the public to hold EU institutions accountable for unlawful decisions that impact public health and the environment, like authorising fossil fuel subsidies, green-lighting harmful pesticides or allowing overfishing.

The Aarhus Convention Compliance Committee (ACCC), the UN body responsible for overseeing compliance to the Convention, found in an advice dating back to 2017 that the EU must increase possibilities for members of the public to protect the environment in EU courts, in order to comply with the treaty.

Following the recent legislative proposal to amend the EU rules on the application of [the Aarhus Convention](#) the ACCC clarified on February 2021 that the proposal is still not strong enough to ensure compliance with international law.

Professor Alberto Alemanno, Director at The Good Lobby, said:

“The EU claims to be a leader both in the protection of the environment and the rule of law. Yet, as epitomized by its flawed implementation of the Aarhus Convention under international law, its leadership is undermined by its own behaviour. Access to justice is not only a fundamental right, but is also essential to empower individuals to protect the environment. Reforming the Aarhus regulation in line with ACCC's advice is therefore crucial to restore the EU's legitimacy across the world and deliver the objectives of the European Green Deal”

The ACCC advised that the following amendments are needed for the EU to comply with the Aarhus Convention:

- Make sure all binding administrative decisions taken by the EU institutions are subject to review, including those that require “implementing measures” at national level.
- Make State aid decisions that break EU environmental law subject to review.
- Allow individuals, as well as NGOs, to challenge unlawful EU decisions.

The European Parliament will vote on the draft proposal on April 22 in the ENVI committee.

ENDS

Note to editors

Read the open letter [here](#).

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