

PRESS RELEASE

CCBE response to the Commission Consultation on the EU implementation of the Aarhus Convention

14/03/2019

CCBE submits observations on the Commission Consultation on the EU implementation of the Aarhus Convention in the area of access of justice in environmental matters

The Council of Bars and Law Societies of Europe (the CCBE) represents the bars and law societies of 45 countries, and through them more than 1 million European lawyers.

The CCBE has submitted a [response to the Commission consultation on the EU implementation of the Aarhus Convention in the area of access of justice in environmental matters](#).

In its response, the CCBE sets out why the EU Aarhus Regulation needs to be amended, and which considerations are crucial when considering compliance with the Aarhus Convention.

The CCBE response highlights:

- the inadequacy of direct access to the EU Courts (Article 263(4) TFEU) and how Article 263(4) TFEU – as currently read and applied by the Court of Justice of the EU - provides insufficient access to justice for private parties, both generally, and more specifically in environmental matters.
- the inadequacy of indirect access to the EU Courts (Article 267 TFEU).
- the reluctance of national courts to refer a question for a preliminary ruling.
- the inadequacy of the internal review process as an alternative to access to the EU Courts.

The CCBE response also emphasises the importance for the EU to respect its

international obligations, and notes that the role of locus standi rules should never “shield” authorities from appeals.

The CCBE response, while recognising that the issue of standing is wider than discussed in the present consultation on environmental matters, also proposes a number of changes which would be required in order for the EU to comply with the obligations arising out of the Aarhus Convention.

CCBE President José de Freitas commented that “*The CCBE considers the topic of access to justice and compliance with the Aarhus Convention of crucial importance. Access to justice constitutes one of the most important pillars of the Rule of Law, and the EU itself should be beyond any possible criticism in this regard*”.

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