



Green Law Group Frustrated by EU Court Judgment Limiting Access to Justice

[Brussels, January 15, 2015] – Justice & Environment, the leading green law NGO network in EU is deeply frustrated by yesterday’s judgement, in which the EU Court denied environmental organizations’ access to justice.

Two years ago, two Dutch environmental NGOs filed a lawsuit against the European Commission at the General Court of EU. The Court then held that the European Regulation on challenging environmental decisions of EU institutions contradicts the UN Convention on environmental access rights (the Aarhus Convention). The General Court therefore granted the organizations a right of appeal directly on the basis of the Convention itself.

Yesterday, the Court of Justice of the EU came to the opposite conclusion, finding that the Aarhus Convention lacks clarity and precision needed for direct application. Siim Vahtrus, Chairman of Justice and Environment, commented the judgment:

“It struck the whole environmental civil society by surprise that the Court represented a negative view in its latest judgment. The reasoning given by the Court is lengthy and very formal, indicating that the Court wishes to avoid challenges to decisions of EU institutions at all costs. It is a sad precedent for the EU which runs counter to public demand of more transparency and accountability of the EU.”

J&E, operating in 12 EU countries, applies the Aarhus Convention in the Member States and in relation to EU institutions on a daily basis. The new judgment will make law enforcement by the civil society much harder in the future and further reduces the accountability of EU institutions.

“This and the apparent trend of the new European Commission to downgrade environmental protection is an extremely dangerous combination.” – warned the J&E Chairman.

Notes to editors:

1. The link to the judgment: <http://curia.europa.eu/juris/document/document.jsf?text=&docid=161324&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=178340>
2. The Aarhus Convention is an international convention of the UNECE region on access to information, public participation and access to justice in environmental matters. [More info](#)

Justice and Environment (J&E) is an association of public interest environmental law organizations. The objective of J&E is to contribute to a better status of environment and human health in Europe. J&E drives for this through the use of law (European and national environmental laws) and the improvement of access to information, public participation and access to justice in environmental matters by legal means. To learn more visit <http://justiceandenvironment.org/>

Contact:

Csaba Kiss, Coordinator, Justice and Environment, info@justiceandenvironment.org